



NUMBER 13-10-00652-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BERNARDO LOZANO, ET AL.,

Appellants,

v.

TRANSIT MIX CONCRETE & MATERIALS COMPANY,

Appellee.

On Appeal from the 107th District Court
of Cameron County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Benavides
Memorandum Opinion Per Curiam**

This cause is before the Court on appellee's motions to dismiss the appeal. Appellants, Bernardo Lozano, et. al., filed a notice of appeal from a judgment entered by the 107th District Court of Cameron County in cause number 2007-05-2660-A. On March 14, 2011, the Clerk of this Court notified appellants that the clerk's record in the above cause was originally due on December 28, 2010, and that the deputy district clerk,

Monica Uribe, had notified this Court that appellants failed to make arrangements for payment of the clerk's record. The Clerk of this Court notified appellants of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.3, 42.3(b),(c). Appellants were advised that, if the defect was not corrected within ten days from the date of receipt of this notice, the appeal would be dismissed for want of prosecution.

Appellants have failed to respond to this Court's notice. The Court hereby GRANTS appellee's motions to dismiss. Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 42.3(b), (c).

PER CURIAM

Delivered and filed the
19th day of May, 2011.