



NUMBER 13-16-00338-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

TIMOTHY RAY GRANT,

Appellant,

v.

ANDREA ELEASE MYERS,

Appellee.

**On Appeal from the 329th District Court
of Wharton County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Garza and Longoria
Memorandum Opinion Per Curiam**

Appellant, Timothy Ray Grant, appealed a judgment entered by the 329th District Court of Wharton County, Texas. On June 27, 2016, the Clerk of this Court notified appellant that the notice of appeal failed to comply with Texas Rule of Appellate Procedure 9.5(e) and 25.1(d)(4). See TEX. R. APP. P. 9.5(e), 25.1(d)(4). The Clerk directed appellant to file an amended notice of appeal with the district clerk's office within

30 days from the date of that notice. On August 8, 2016, the Clerk notified appellant that the defect had not been corrected and warned appellant that the appeal would be dismissed if the defect was not cured within ten days. Appellant has not responded to the notice from the Clerk or corrected the defect.

On July 28, 2016, the Clerk of this Court notified appellant, in accordance with Texas Rule of Appellate Procedure 42.3(c), that we would dismiss this appeal unless the \$205.00 filing fee was paid. See TEX. R. APP. P. 42.3(c). Appellant has not responded to the notice from the Clerk or paid the \$205.00 filing fee. See TEX. R. APP. P. 5, 12.1(b).

The Court, having considered the documents on file and appellant's failure to correct the defect or pay the filing fee, is of the opinion that the appeal should be dismissed. See *id.* 37.3, 42.3(b),(c). Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION.

PER CURIAM

Delivered and filed this
2nd day of September, 2016.