



NUMBER 13-23-00458-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**SERGIO CHAVEZ AND
MARIA D. GARCIA,**

Appellants,

v.

ALEJANDRO MORENO,

Appellee.

**On appeal from the County Court at Law No. 1
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Tijerina
Memorandum Opinion by Chief Justice Contreras**

On October 25, 2023, appellants filed a notice of appeal. On October 26, 2023, the Clerk of the Court notified appellants that their notice of appeal was not in compliance with the Texas Rule of Appellant Procedure 9.1(c)(1). See TEX. R. APP. P.

9.1(c)(1). Appellants were also asked to remit the \$205.00 filing fee within ten days from the date of the notice.

On November 15, 2023, the Clerk of the Court again notified appellants of the defects and that they were delinquent in remitting a \$205.00 filing fee. The Clerk of this Court notified appellants the appeal was subject to dismissal if the filing fee was not paid within ten days from the date of the notice. *See id.* R. 42.3(b), (c).

Furthermore, the clerk's record was due on December 18, 2023. On January 2, 2024, the Clerk of the Court notified appellants that the deputy district clerk, Sarah Reyes, informed the Court that appellants failed to make arrangements for payment of the clerk's record. Appellants were notified that unless they made arrangements to pay for the clerk's record and proof of payment was provided to the Court within ten days, the appeal was subject to dismissal for want of prosecution. *See id.* R. R. 37.3(b).

Appellants have not cured the defective notice of appeal, paid the filing fee, and no clerk's record has been filed due to appellants' failure to pay or make payment arrangements. Additionally, appellants have failed to comply with a notice from the Clerk of the Court requiring a response or other action within the time specified; accordingly, the appeal is dismissed for want of prosecution. *See id.* R. 42.3(b),(c).

DORI CONTRERAS
Chief Justice

Delivered and filed on the
1st day of February, 2024.