

Dismissed and Opinion filed March 8, 2001.

In The
Fourteenth Court of Appeals

NO. 14-00-00472-CV

JOSEPH P. CONTE, JR., Appellant

V.

**LINDA C. GOEHRS, GUARDIAN AD LITEM and SUSAN CONTE,
TEMPORARY GUARDIAN OF THE PERSON OF DORIS L. CONTE,
an Incapacitated Person, Appellees**

**On Appeal from the Probate Court No. 1
Harris County, Texas
Trial Court Cause No. 294,307-402**

OPINION

This is an appeal from an order granting appellees' first amended original petition for injunction signed March 20, 2000. The clerk's record was filed on May 19, 2000. No reporter's record was filed. The court reporter responsible for preparing the record informed this court that appellant had not made arrangements for payment for the record. On June 19, 2000, the clerk of this court notified appellant that we would consider and decide those issues that do not require a reporter's record unless appellant, within fifteen days of notice, provided this court with proof of payment for the record. *See* TEX. R. APP. P. 37.3(c). Appellant filed

no reply. Accordingly, on July 13, 2000, this Court ordered appellant to file a brief in this appeal on or before August 14, 2000. We informed appellant that if he failed to comply with that order, the Court would dismiss the appeal for want of prosecution. No brief or motion for extension were filed.

On October 13, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant asked for additional time to pay for the reporter's record and file his brief. On January 8, 2001, appellant tendered a brief, which was returned for failure to comply with the briefing rules. On January 16, 2001, appellant filed a brief which again failed to comply with the rules of appellate procedure concerning the contents of appellant's brief. *See* TEX. R. APP. P. 38.1.

On February 15, 2001, appellees filed a motion to dismiss the appeal and to strike appellant's brief. On February 22, 2001, the court reporter again notified this court that she had not received payment for the balance due for preparation of the record.

To date, the filing fee of \$125.00 has not been paid. No proper affidavit of indigence was filed with or before the notice of appeal. *See* TEX. R. APP. P. 20.1. Therefore, on February 15, 2001, the Court issued an order stating that unless appellant paid the appellate filing fee of \$125.00 within fifteen days of the date of the order, the appeal would be dismissed. The filing fee has not been paid, and appellant has not responded to the Court's order of February 15, 2001.

Accordingly, the appeal is ordered dismissed. *See* TEX. R. APP. P. 42.3(c). Appellees' motions are denied as moot.

PER CURIAM

Judgment rendered and Opinion filed March 8, 2001.

Panel consists of Senior Chief Justice Murphy, Justices Edelman and Frost.¹

Do Not Publish — TEX. R. APP. P. 47.3(b).

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.