

**Dismissed and Opinion filed March 16, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-00057-CV**

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**NIEN XUAN NGUYEN, INDIVIDUALLY AND D/B/A AVN VIDEO, Appellant**

**V.**

**HARRIS COUNTY, TEXAS, Appellee**

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**On Appeal from the 280th District Court  
Harris County, Texas  
Trial Court Cause No. 99-55260**

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**OPINION**

This is an appeal from an order granting a temporary injunction, which was signed December 7, 1999. This is a permissible appeal from an interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4) (Vernon Supp. 2000). Because it is an appeal from an interlocutory order, the appeal is accelerated. *See* TEX. R. APP. P. 28.1. Because it is an accelerated appeal, the clerk's record was due 10 days after the notice of appeal was filed. *See* TEX. R. APP. P. 35.1(b). The notice of appeal was filed December 7, 1999. Accordingly, the clerk's record was due December 17, 1999. *See id.* In February of 2000, the district clerk informed this court that appellant had not paid or made arrangements

to pay for the clerk's record. Moreover, the notice of appeal filed by appellant contains a handwritten notation signed by appellant's counsel stating "No transcript requested." On February 24, 2000, this court sent a letter to appellant's counsel advising him that we would dismiss the appeal unless, within 15 days of the date of the letter, appellant paid or made arrangements to pay for the clerk's record. Appellant was to provide proof of payment or arrangement of payment on or before March 13, 2000. As of this date, we have received no response from appellant and the clerk's record has not been filed.

We recognize that under rule 28.3 of the Texas Rules of Appellate Procedure that this court may, in lieu of the clerk's record, hear an accelerated appeal on the "original papers forwarded by the trial court or on sworn and uncontroverted copies of those papers." TEX. R. APP. P. 28.3. However, the trial court has not forwarded the original papers nor have the parties filed sworn and uncontroverted copies of those papers. Moreover, neither appellant nor appellee has informed this court that they intended to file the type of record permitted by rule 28.3.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgement rendered and Opinion filed March 16, 2000.

Panel consists of Justices Amidei, Anderson, and Frost.

Do Not Publish – *See* TEX. R. APP. P. 47.3(b).