

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG**

Estate of Claire Essing v. the State of Texas

No. 13-26-00197-CV (Tex. App.—Corpus Christi–Edinburg June 18, 2026) · No. 13-26-00197-CV · Decided
June 18, 2026

OPINION

PER CURIAM.

NUMBER 13-26-00197-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG ESTATE OF CLAIRE ESSING, DECEASED ON APPEAL
FROM THE COUNTY COURT AT LAW NO. 3 OF NUECES COUNTY, TEXAS
MEMORANDUM OPINION Before Chief Justice Tijerina and Justices Silva and Cron
Memorandum Opinion by Justice Silva Appellant Lena Essing Comstock filed a notice of appeal
from an order rendered in trial court cause number 2024-PR-00469-3 in the County Court at Law
Number 3 of Nueces County, Texas.

On April 28, 2026, and again on May 22, 2026, the Clerk of the Court notified appellant that the
clerk’s record in the above cause was originally due on April 27, 2026; however, the deputy
district clerk had notified this Court that appellant failed to make arrangements for payment of the
clerk’s record.

The Clerk advised appellant that the appeal was subject to dismissal for want of prosecution
unless appellant arranged to pay for the clerk’s record and provided proof of payment to this Court
within ten days. See TEX. R. APP. P. 37.3(b), 42.3(b), (c). Appellant did not indicate that she was
entitled to proceed without payment, make arrangements to secure the filing of the clerk’s record,
or otherwise respond to the Clerk’s notices.

The Texas Rules of Appellate Procedure authorize us to dismiss an appeal for want of prosecution
when the appellant has failed to pay or arranged to pay for the preparation of the clerk’s record
unless the appellant is entitled to proceed without payment of costs. See *id.* R. 37.3(b), 42.3(b),
(c); *In re T.L.R.*, 391 S.W.3d 669, 669 (Tex. App.—Dallas 2013, no pet.); *Clinton v. Clinton*, 198
S.W.3d 444, 444 (Tex.

App.—El Paso 2006, no pet.). The Court also has the authority to dismiss an appeal because the
appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice
from the Clerk requiring a response or other action within a specified time. See TEX. R. APP. P.
42.3(b), (c); *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex.

App.—San Antonio 2017, no pet.). The Court, having examined and fully considered the documents on file and the foregoing events, is of the opinion that this appeal should be dismissed. The record does not reflect that appellant has paid for the clerk's record, arranged to pay for the clerk's record, or that appellant is entitled to proceed without payment of costs.

Accordingly, we dismiss the appeal. See TEX. R. APP. P. 37.3(b), 42.3(b), (c). CLARISSA SILVA Justice Delivered and filed on the 18th day of June, 2026. 2