

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**Dwayne James Weakley and Beatriz Weakley v. Michael Schukar;
Ellen Schukar; Shaun Siems; Suzanne Siems; Morgan Morita; Lisa
Morita; John Hammett; Lee Hammett; Chandy Verghese; Leena
Verghese; and Grayson Lee**

No. 03-26-00173-CV · No. No. 03-26-00173-CV · Decided April 3, 2026

SUMMARY

The Texas Court of Appeals, Third District, dismissed the appeal for want of prosecution because the appellants failed to pay or make arrangements to pay the trial clerk's fee for preparing the clerk's record. The appellants also failed to respond to the court's notice or establish entitlement to proceed without payment of costs.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-26-00173-CV Dwayne James Weakley and Beatriz Weakley, Appellants v. Michael Schukar, Ellen Schukar, Shaun Siems, Suzanne Siems, Morgan Morita, Lisa Morita, John Hammett, Lee Hammett, Chandy Verghese, Leena Verghese, and Grayson Lee, Appellees FROM THE 423RD DISTRICT COURT OF BASTROP COUNTY NO. 423-7138, THE HONORABLE CHRISTOPHER DARROW DUGGAN, JUDGE PRESIDING MEMORANDUM OPINION The clerk's record in this appeal was due for filing in this Court on March 20, 2026.

On March 20, 2026, we notified appellants that no clerk's record had been filed due to their failure to pay or make arrangements to pay the trial clerk's fee for preparing the clerk's record. The notice requested that appellants make arrangements for the clerk's record and submit a status report regarding this appeal by March 30, 2026. Further, the notice advised appellants that their failure to comply with this request could result in the dismissal of the appeal for want of prosecution.

To date, appellants have not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed. If a trial-court clerk fails to file the clerk's record due to an appellant's failure to pay or make arrangements to pay for the clerk's fee for preparing the record, the appellate court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs.

Tex. R. App. P. 37.3(b). In this case, appellants have not established that they are entitled to proceed without payment of costs. See Tex. R. Civ. P. 145. Because appellants have failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution. _____ Karin Crump, Justice Before Chief Justice Byrne, Justices Theofanis and Crump Dismissed for Want of Prosecution Filed: April 3, 2026 2