



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

Paulino Avina,	§	No. 08-22-00210-CV
Appellant,	§	Appeal from the
v.	§	98th Judicial District Court
Code Compliance, Austin Code, Code	§	of Travis County, Texas
Enforcement, Austin Code Department, et al.,		
	§	(TC# D-1-GN-20-004830)
Appellees.		

**MEMORANDUM OPINION**

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3. Finding that Appellant has not paid the \$205 filing fee or shown he is excused from paying the filing fee, and further, that the clerk's record has not been filed due to the fault of Appellant, we dismiss the appeal for want of prosecution.<sup>1</sup>

On October 27, 2022, the Clerk of this Court sent a letter requesting payment of the required \$205 filing fee. The letter notified Appellant that, pursuant to Texas Rule of Appellate Procedure 42.3, failure to pay the filing fee within 20 days could result in dismissal of the appeal for want of prosecution or for failure to comply with the Clerk's notice requiring a response or

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<sup>1</sup> We hear this case on transfer from the Third Court of Appeals in Austin. *See* TEX. R. APP. P. 41.3.

action within a specified time. *See* TEX. R. APP. P. 42.3(b), (c) (authorizing appellate court to dismiss appeal for want of prosecution or where appellant fails to comply with a notice from the clerk requiring a response or other action within a specified time.). On November 7, 2022, Appellant filed a response notifying the Court that he did not intend to pay the required filing fee because the “money won’t be used to deliver justice.”

On November 10, 2022, after the Travis County District Clerk notified the Court that Appellant had failed to make any arrangements to pay for the preparation of the clerk’s record, the Clerk of this Court sent a letter notifying Appellant that the Court intended to dismiss the appeal for want of prosecution unless Appellant responded within ten days and showed grounds for continuing the appeal. *See* TEX. R. APP. P. 37.3(b) (authorizing appellate court to dismiss appeal if no clerk’s record is prepared due to Appellant’s fault).

As of this date, Appellant has not paid the filing fee or the cost for preparing the clerk’s record, nor has he otherwise shown he is excused from paying either. Accordingly, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b) ; 42.3(b), (c).

GINA M. PALAFOX, Justice

December 9, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.