

Appeal Dismissed and Memorandum Opinion filed September 13, 2018



In The

Fourteenth Court of Appeals

NO. 14-18-00521-CV

MICHAEL MCCANN, Appellant

V.

SPENCER PLANTATION INVESTMENTS, LTD., Appellee

**On Appeal from County Court at Law No. 1 & Probate Court
Brazoria County, Texas
Trial Court Cause No. CI52465**

M E M O R A N D U M O P I N I O N

This is an appeal from a judgment signed June 1, 2018. The notice of appeal was filed June 11, 2018.

No clerk's record has been filed. The clerk responsible for preparing the record in this appeal informed the court appellant did not make arrangements to pay for the record. Further, our records show appellant has not paid the appellate filing fee, and no evidence that appellant is excused by statute or the Texas Rules of Appellate Procedure from paying costs has been filed. *See* Tex. R. App. P. 5

(requiring payment of fees in civil cases unless party is excused by statute or by appellate rules from paying costs); Tex. Gov't Code Ann. § 51.207.

On August 16, 2018, the court ordered to: (1) pay or make arrangements to pay for the record and provide this court with proof of payment by August 27, 2018, *see* Tex. R. App. P. 37.3(b); and (2) pay the appellate filing fee by August 27, 2018. We cautioned we would dismiss the appeal if appellant did not comply with our order. No proof of payment for the clerk's record has been filed, and the filing fee has not been paid.

Accordingly, the appeal is **DISMISSED**. *See* Tex. R. App. P. 42.3(c) (allowing involuntary dismissal of case because appellant failed to comply with notice from clerk requiring response or other action within specified time).

PER CURIAM

Panel consists of Justices Christopher, Jamison, and Brown.