



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00409-CV

Frederick O. **SILVER**,
Appellant

v.

TOYOTA MOTOR MANUFACTURING TEXAS, INC. and Wells Fargo Bank, N.A.,
Appellees

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2019-CI-05365
Honorable Rosie Alvarado, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: November 27, 2019

DISMISSED FOR WANT OF PROSECUTION

On October 16, 2019, we issued an opinion and judgment affirming the trial court's June 5, 2019 Order on Ability to Pay Costs and ordered appellant Frederick O. Silver to pay the \$205 filing fee for this appeal within 15 days. *See* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a); *see also id.* §§ 51.208, 51.0051; TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN THE SUPREME COURT, IN CIVIL CASES IN THE COURTS OF APPEALS, AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 14-9158, Aug. 28, 2015). In our opinion

affirming the trial court's order, we cautioned appellant "that the failure to pay the filing fee will result in the dismissal of his appeal." *See* TEX. R. APP. 5, 42.3.

After we issued our October 16, 2019 opinion and judgment, appellant filed a "Response to Judgment and Order to Pay \$205 Appeal Fee" and a "Response to Affirmed as to June 5, 2019 Order on Ability to Pay Costs." We construed those documents as motions for rehearing of our October 16, 2019 opinion and judgment, and we denied both motions on October 18, 2019. In our October 18, 2019 order, we again cautioned appellant that the failure to pay the filing fee would result in the dismissal of his appeal. *See* TEX. R. APP. 5, 42.3.

Appellant did not pay the filing fee within 15 days of our October 16, 2019 opinion and judgment. Instead, he filed two requests for the court's Taxpayer Identification Number and Employer Identification Number "in Order to make payment to" the court. Because appellant did not require and was not entitled to that information in order to pay the filing fee for this appeal, we denied those requests on November 5, 2019. In our November 5, 2019 order, we ordered appellant to pay the filing fee within 5 days, and we again warned him that "failure to pay the filing fee in compliance with this order will result in the dismissal of this appeal." *See* TEX. R. APP. 5, 42.3.

Appellant did not pay the filing fee within 5 days of our November 5, 2019 order. Instead, on November 11, 2019, he filed a "Promissory Note of \$205 for Appeal Fee." This filing does not comply with our November 5, 2019 order, and appellant has not otherwise responded to that order. We therefore order this appeal dismissed for want of prosecution. *See* TEX. R. APP. 5, 42.3. We further order that appellees Toyota Motor Manufacturing Texas, Inc. and Wells Fargo Bank, N.A. recover their costs of this appeal, if any, from appellant.

PER CURIAM