



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00368-CV

IN THE INTEREST OF D.P., A CHILD

**On Appeal from the 158th District Court
Denton County, Texas
Trial Court No. 2007-20749-158, Honorable Steve Burgess, Presiding**

October 18, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant, L.P., proceeding *pro se*, filed a notice of appeal in the above-referenced cause in the Second Court of Appeals without paying the requisite filing fee. By letter dated September 30, 2016, the Second Court of Appeals directed L.P. to pay the filing fee by October 10, 2016, or the appeal would be dismissed. See TEX. R. APP. P. 42.3(c). After the letter was issued, the appeal was transferred from the Second Court of Appeals to this court by the Texas Supreme Court. See TEX. GOV'T CODE ANN. § 73.001 (West 2013). To date, L.P. has not paid the filing fee to the clerk of the Second Court of Appeals or the clerk of this court. L.P. has not filed a statement of inability to afford payment of court costs in either appellate court nor has she

communicated that she is presumed indigent under Rule 20.1. See TEX. R. APP. P. 20.1(b)(2) (to establish the right to proceed without payment of costs, a party must communicate to the appellate court clerk in writing that the party is presumed indigent under this rule).

It also appears that the trial court granted L.P. a new trial on October 6, 2016. That results in the absence of a final, appealable order.

Because L.P. failed to comply with a requirement of the appellate rules and with a notice from the clerk requiring action within a specified time and due to the absence of a final, appealable order, we dismiss the appeal. TEX. R. APP. P. 42.3(c).

Per Curiam