



IN THE
TENTH COURT OF APPEALS

No. 10-10-00268-CV

IN RE GERALD HAYES

Original Proceeding

MEMORANDUM OPINION

Gerald Hayes, an inmate, filed a petition for writ of mandamus. There are procedural problems with the petition, but we use Rule 2 to look beyond those problems and deny the petition. *See* TEX. R. APP. P. 2.

Further, absent a specific exemption, the Clerk of the Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX. R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). *See also* TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. § 51.207(b); § 51.941(a) (Vernon 2005); and § 51.208 (Vernon Supp. 2009). Under these circumstances, we suspend the rule and order the Clerk to write off all unpaid filing

fees in this case. TEX. R. APP. P. 2. The write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed by Hayes.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

Petition denied

Opinion delivered and filed July 28, 2010

[OT06]