



IN THE  
TENTH COURT OF APPEALS

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No. 10-17-00021-CV

IN THE MATTER OF THE MARRIAGE OF GABRIELA HERNANDEZ  
AND FRANCISCO HERNANDEZ- JIMENEZ  
AND IN THE INTEREST OF A.L.H. AND G.A.H., CHILDREN,

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From the 414th District Court  
McLennan County, Texas  
Trial Court No. 2016-1426-5

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MEMORANDUM OPINION

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Appellant, Francisco Hernandez-Jimenez, filed his pro se notice of appeal on January 20, 2017, challenging the trial court's final judgment in favor of appellee, Gabriela Hernandez. The required docketing statement was not received. *See* TEX. R. APP. P. 32.1. On February 16, 2017, we sent a letter explaining that the docketing statement must be filed and warning that the Court would dismiss the appeal if a docketing statement was not filed within twenty-one days. *See id.* at R. 42.3(c).

More than twenty-one days have passed, and we have not received the docketing statement. Accordingly, we dismiss this appeal. *See id.* at R. 32.1, 42.3(c); *see also Hensley v. W.M. Specialty Mortgage, LLC*, 2005 Tex. App. LEXIS 9614, at \*\*1-2 (Tex. App.—Waco Nov. 16, 2005, no pet.) (mem. op.) (dismissing a case for failure to file a docketing statement).

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* TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. §§ 51.207(b), 51,208, 51.941(a) (West 2013). 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.

AL SCOGGINS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed March 22, 2017  
[CV06]

