



**IN THE
TENTH COURT OF APPEALS**

No. 10-22-00096-CV

No. 10-22-00097-CV

No. 10-22-00098-CV

No. 10-22-00099-CV

MARCUS ANTOINE CAIN, SR.,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 54th District Court
McLennan County, Texas
Trial Court Nos. 1992-299-C,
1998-741-C, and 2002-1340-C**

and

**From the 19th District Court
McLennan County, Texas
Trial Court No. 2009-1506-C1**

MEMORANDUM OPINION

In these appeals, Marcus Antoine Cain, Sr. complains about the issuance of four Orders to Withdraw Funds, three signed in 2018 and one signed in 2012. In letters dated

April 13, 2022, in each appeal, the Clerk of this Court notified Cain that these appeals were subject to dismissal because it appeared no final, appealable judgment or order had been signed by the trial court. See TEX. R. APP. P. 26.1; see also *Harrell v. State*, 286 S.W.3d 315 (Tex. 2009); *In re Buhl*, 622 S.W.3d 396, 397 (Tex. App.—Waco 2020, orig. proceeding) (procedure necessary to complain about order to withhold funds from an inmate account described in *Harrell*: file a motion complaining about the withdrawal order with the trial court clerk for the trial court that signed the order; if relief requested is denied, then appeal, which will be a civil proceeding, from that denial). In the same letters, the Clerk warned Cain that these appeals would be dismissed unless, within 14 days from the date of letters, Cain filed a response with the Court showing grounds for continuing the appeals. Cain responded, but his response confirms that we have no jurisdiction because he failed to comply with the procedure to challenge a withholding order.¹

Accordingly, these appeals are dismissed. See TEX. R. APP. P. 42.3; 44.3.

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; TEX. GOV'T CODE §§ 51.207(b); 51.208; § 51.941(a). Under these circumstances, we

¹ There are numerous procedural problems with these proceedings, including but not limited to, Cain's response was not served as required by Texas Rule of Appellate Procedure 9.5, and Cain has not paid the required filing fees nor has he provided a statement of inability to pay (which would have to be accompanied with the additional filings required by Chapter 14 of the Texas Civil Practice and Remedies Code).

suspend the rule and order the Clerk to write off all unpaid filing fees in these cases. TEX.

R. APP. P. 2.

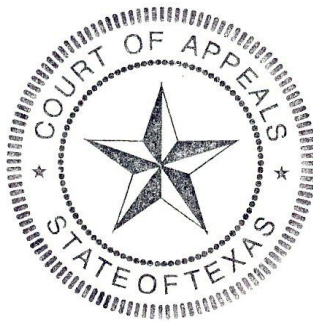
TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Smith, and
Justice Rose²

Appeals dismissed

Opinion delivered and filed May 18, 2022

[CV06]



² The Honorable Jeff Rose, Former Chief Justice of the Third Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.