

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00808-CV

Senrick Wilkerson, Appellant

v.

The Attorney General of Texas, Ken Paxton, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT
NO. D-1-GN-16-003961, HONORABLE STEPHEN YELENOSKY, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Senrick Wilkerson, representing himself, has filed a notice of appeal from the trial court's order declaring him a vexatious litigant. On December 12, 2016, in this Court, Wilkerson filed a declaration of his inability to pay appellate filing fees and any other costs associated with this appeal. We direct the Clerk of this Court to forward Wilkerson's declaration to the trial court for filing. In addition, we abate this appeal and remand the cause to the trial court for a determination, if necessary, of Wilkerson's ability to afford payment of court costs under Rule 145 of the Texas Rules of Civil Procedure. *See* Tex. R. Civ. P. 145 (payment of costs not required).

Any motion to require Wilkerson to pay costs or to require Wilkerson to prove inability to afford costs must be filed in the trial court by the appropriate party in accordance with Rule 145. *See id.* R. 145(f)(1)-(4). If necessary, the trial court shall conduct a hearing on any such

motion(s) and make appropriate orders. *See id.* R. 145(f)(5)-(7). Any and all documents filed and orders signed pursuant to Rule 145 shall be forwarded to this Court for filing as a supplemental record no later than March 6, 2017. Alternatively, a party, the trial court clerk, or the court reporter may file a status report informing this Court that additional time is needed for a determination under Rule 145. In the absence of a request for additional time, this appeal will automatically reinstate on March 6. Upon reinstatement, if an order requiring Wilkerson to pay costs has not been signed, Wilkerson will be entitled to proceed without payment of the costs associated with this appeal. *See id.* R. 145(a).

It is ordered January 20, 2017.

Before Chief Justice Rose, Justices Field and Bourland

Abated and Remanded

Filed: January 20, 2017