

Dismissed and Opinion Filed April 6, 2018



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-17-01434-CV

**CHRISTOPHER L. GRAHAM, Appellant
V.
COMMISSION FOR LAWYER DISCIPLINE, Appellee**

**On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-13821**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

The clerk's record in this case is past due. By letter dated February 2, 2018, we informed appellant the clerk's record had not been filed because appellant had not paid for the clerk's record. We directed appellant to provide, within ten days, written verification of payment or arrangements to pay for the clerk's record or written verification appellant had been found entitled to proceed without payment of costs. We cautioned appellant that failure to do so could result in the dismissal of this appeal.

Appellant was unable to provide the required documentation and, instead, notified this Court he had filed a motion for a free record in the trial court. On March 26, 2018, appellant further notified this Court that the trial court had denied his motion for a free record, but that he had brought an original proceeding seeking mandamus relief from the trial court's order. *See In*

Re Christopher Graham, 05-18-00311-CV, 2018 WL 1516838, at *1 (Tex. App.—Dallas Mar. 28, 2018, no pet. h.).

The mandamus proceeding shows that the trial court denied appellant’s motion for a free record on February 12, 2018. However, appellant did not file his petition for writ of mandamus until March 26, 2018. We denied appellant’s petition “because rule 145(g) of the Texas Rules of Civil Procedure provided [him] with an adequate appellate remedy that he failed to timely pursue.” *See id*; *see also* TEX. R. APP. P. 145. (appellant may challenge a ruling that he can afford to pay court costs by filing a motion, within ten days after order is signed, in the appellate court).

To date, appellant has neither provided the documentation required by our February 2, 2018 letter nor otherwise adequately responded to that letter. Accordingly, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b); 42.3(b), (c).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

171434F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

CHRISTOPHER L. GRAHAM, Appellant

No. 05-17-01434-CV V.

COMMISSION FOR LAWYER
DISCIPLINE, Appellee

On Appeal from the 193rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-16-13821.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee COMMISSION FOR LAWYER DISCIPLINE recover its costs of this appeal from appellant CHRISTOPHER L. GRAHAM.

Judgment entered April 6, 2018.