

Opinion issued April 21, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-00502-CV

PHILLIS RENEE SHANKLIN, Appellant

V.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE, Appellee

**On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Cause No. 29884**

MEMORANDUM OPINION

In the Memorandum Opinion on Rehearing issued by this Court on December 2, 2010, this Court concluded that “the trial court did not abuse its discretion in sustaining the contests to [appellant’s] affidavit of indigence and denying her a free record on appeal.” Furthermore, this Court ordered appellant,

Phyllis Renee Shanklin, to pay for, or make arrangements to pay for, the record in this appeal, and stipulated that proof of payment must be submitted to this Court within fifteen days of the date of the opinion, or Friday, December 17, 2010. Appellant filed “Appellant’s Further Motion for Rehearing” on December 20, 2010, which was denied on March 4, 2011. In our opinion, we ordered Shanklin to provide the Court with proof of payment of the record within fifteen days. More than fifteen days have passed since the denial of our rehearing on the matter. Shanklin has not provided this Court with proof of payment or arrangements to pay.

Appellant has neither established indigence, nor paid all the required fees. *See* TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent), 20.1 (listing requirements for establishing indigence); *see also* TEX. GOV’T CODE ANN. §§ 51.207, 51.941(a) (Vernon 2005), § 101.041 (Vernon Supp. 2010) (listing fees in court of appeals); Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Tex. Aug. 28, 2007), *reprinted in* TEX. R. APP. P. app. A § B(1) (listing fees in court of appeals). After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case).

We dismiss the appeal for nonpayment of all required fees.

We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Alcala and Bland.