

Opinion issued October 7, 2010



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-01068-CV

EARNEST TAYLOR, Appellant

V.

KENWICK PINES HOMEOWNERS ASSOCIATION, Appellee

**On Appeal from the County Civil Court at Law No. 2
Harris County, Texas
Trial Court Cause No. 938408**

MEMORANDUM OPINION

Appellant, Earnest Taylor, has failed to timely file a brief. *See* TEX. R. APP. P. 38.8(a) (failure of appellant to file brief). After being notified that this appeal was

subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 42.3(b) (allowing involuntary dismissal of case).

Appellant, Earnest Taylor, 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 (Vernon 2005), 51.208 (Vernon Supp. 2009); 51.941(a) (Vernon 2005), 101.041 (Vernon Supp. 2009) (listing fees in court of appeals); FEES CIV. CASES B(1), (3) (listing fees in court of appeals). After being notified that this appeal was subject to dismissal, appellant Earnest Taylor did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case).

The appeal is dismissed for want of prosecution for failure to timely file a brief and for nonpayment of all required fees. All pending motions are denied.

PER CURIAM

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