

Opinion issued February 17, 2011



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-10-00405-CV

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**CLARENCE V. KULHANEK, JR., Appellant**  
**V.**  
**LAURA ANN MIDKIFF, Appellee**

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**On Appeal from the 387th District Court**  
**Fort Bend County, Texas**  
**Trial Court Cause No. 09DCV171546**

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**MEMORANDUM OPINION**

Appellant, Clarence V. Kulhanek, Jr., 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 Justices Jennings, Higley, and Brown.