

Opinion issued December 2, 2010



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00406-CV

WAYNE R. PRESCOTT, Appellant

V.

TEXAS DOW EMPLOYEES CREDIT UNION, Appellee

**On Appeal from County Court at Law No. 3 and Probate Court
Brazoria County, Texas
Trial Court Case No. CI042858**

MEMORANDUM OPINION

Appellant Wayne R. Prescott has neither established indigence, nor paid all the required fees, including the clerk's fee. *See* TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent), 20.1 (listing requirements for

establishing indigence), 37.3(b) (authorizing dismissal when appellant fails to pay the clerk's fee); *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); FEES CIV. CASES B(1), (3) (listing fees in court of appeals). After being notified that this appeal was subject to dismissal, Prescott 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 nonpayment of all required fees. All pending motions are denied.

PER CURIAM

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