

Opinion issued September 20, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00638-CV

IN THE INTEREST OF R.P., a child

On Appeal from the 314th District Court
Harris County, Texas
Trial Court Cause No. 2010-06106J

MEMORANDUM OPINION

Appellant, Latasha Penn, has neither paid the required filing fee for this appeal nor established indigence for purposes of appellate costs. *See* TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must pay—at the time an item is presented for filing—whatever fees are required by

statute or Supreme Court order.”), 20.1 (listing requirements for establishing indigence); *see also* TEX. GOV’T CODE ANN. § 51.207 (Vernon Supp. 2011), § 51.941(a) (Vernon 2005), § 101.041 (Vernon Supp. 2011) (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). Appellant was notified on June 12, 2012 that this appeal was subject to dismissal if she did not pay the fee by June 22, 2012. In response, appellant requested an extension of time to pay the fee. Appellant was given until August 3, 2012 to pay the fee, and was notified that the fee must be paid by August 3, 2012, or the appeal would be dismissed. After being notified that this appeal was subject to dismissal if she did not pay the fee by August 3, 2012, appellant did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case).

Appellant has also neither established indigence, nor paid, or made arrangements to pay, the fee for preparing the clerk’s record. *See* TEX. R. APP. P. 20.1 (listing requirements for establishing indigence), 37.3(b) (allowing dismissal of appeal for want of prosecution if no clerk’s record filed due to appellant’s fault). Appellant was notified that the appeal would be dismissed if she did not pay or make

arrangements to pay for the clerk's record by August 3, 2012. After being so notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 42.3(b) (allowing involuntary dismissal for want of prosecution).

We dismiss the appeal for want of prosecution. We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Brown.