

Opinion issued January 25, 2018



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

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NO. 01-17-00450-CV

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**STEPHEN MANLEY, Appellant**

**V.**

**LOVE'S TRAVEL STOP, POTEET WRECKER SERVICE, INC., AND  
CANNINO WEST INC. DBA BEST AUTO STORAGE, Appellees**

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**On Appeal from the County Civil Court at Law No. 4  
Harris County, Texas  
Trial Court Case No. 1091895**

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**MEMORANDUM OPINION**

Stephen Manley appeals from a judgment ordering him to pay towing charges imposed or collected in connection with the removal or placement of his vehicle.

Manley has neither paid the required fees nor established indigence for purposes of appellate costs. *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), § 101.041 (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. 15-9158 (listing fees in court of appeals).

Manley filed an affidavit of indigence in the trial court. Because this filing did not comply with the rules, *see* TEX. R. CIV. P. 145, this court issued an order enclosing the approved form Statement of Inability to Afford Payment of Court Costs. The order required Manley to file this statement in the trial court and to request preparation of a supplemental clerk's record within 14 days of the order. The order further stated that if Manley did not advise us that he had filed the Statement of Inability in the trial court, the appeal might be dismissed for failure to pay the filing fee. No supplemental clerk's record was filed and Manley has not advised us that he filed the Statement of Inability in the trial court. *See* TEX. R. APP. P. 5, 42.3(c).

The substance of the affidavit of indigence filed in the trial court is materially different from that requested in the form Statement promulgated by the Supreme Court of Texas. *See* TEX. R. CIV. P. 145(b) (declarant must use approved form or

include the information required by the approved form). Manley claims to support six dependents, but he does not identify any of them by name, age, or relationship to him. He appears to generally deny receipt of needs-based public benefits, as the affidavit denied receipt of “monetary income from any source such as SSI, disability, DHS transfer payments, pension wages, child support, regular gifts, etc.” The affidavit affirms that Manley has “received within the past twelve months . . . income from a business, profession or other form of self-employment, or in the form of rental payments, interest, dividends, or other source,” but it does not in any way attempt to quantify his income or expenses. The affidavit disclaims ownership of any cash, checking or savings account, or real estate, but it identifies personal property consisting of a car valued at \$1,000 and clothing valued at \$500.

This court provided the correct form to Manley and asked him to file it. He failed to do so, and he failed to pay the filing fee. Accordingly, we dismiss the appeal. We dismiss all pending motions as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Massengale, and Caughey.