

Opinion issued August 13, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00806-CV

LEE ANDREW JOHNSON, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 190th District Court
Harris County, Texas
Trial Court Case No. 2019-35067

MEMORANDUM OPINION

Appellant, Lee Andrew Johnson, has neither paid the required fees nor established indigence for purposes of appellate costs. *See* TEX. R. CIV. P. 145; TEX. R. APP. P. 5, 20.1; *see also* Tex. GOV'T CODE ANN. §§ 51.207, 51.851(b), 101.041; Order Regarding Fees Charged in the Supreme Court, in Civil Cases in the Courts

of Appeals, and Before the Judicial Panel on Multi-District Litigation, Misc. Docket No. 15-9158. On November 8, 2019, we issued a notice to appellant advising that this appeal was subject to dismissal if appellate costs were not paid, or indigence was established, by December 9, 2019. *See* TEX. R. APP. P. 5, 42.3(b), (c). After nearly nine months, appellant has not responded to the Court in any fashion.

Appellant has also failed to timely file his brief. The clerk's record was filed with the Court on December 9, 2019 and no reporter's record was taken. As a result, appellant's brief was due on January 8, 2020. *See* TEX. R. APP. P. 38.6(a) (governing time to file brief). Appellant did not file a brief. Appellant was then notified by the Court on January 13, 2020 that this appeal was subject to dismissal if appellant's brief was not received by January 21, 2020. *See* TEX. R. APP. P. 38.8(a) (governing failure of appellant to file brief), 42.3(b) (allowing involuntary dismissal of case for want of prosecution), 42.3(c) (allowing involuntary dismissal of case for failure to comply with order of this Court). Again, this time after more than six months, appellant has not responded to the Court in any fashion.

Accordingly, we dismiss this appeal for nonpayment of all required fees and for want of prosecution. *See* TEX. R. APP. P. 5, 38.8(a)(1), 42.3(b), (c), 43.2(f). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Hightower and Adams.