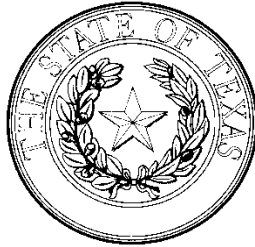


Opinion issued July 1, 2021



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

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NO. 01-19-00628-CV

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**KEVIN WIEMKEN, Appellant**

**V.**

**WALLER COUNTY, WALLER-HARRIS EMERGENCY SERVICES  
DISTRICT NO. 200, AND WALLER INDEPENDENT SCHOOL DISTRICT,  
Appellees**

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**On Appeal from the 506th District Court  
Waller County, Texas  
Trial Court Case No. 2019-03-8723**

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**MEMORANDUM OPINION**

Appellant, Kevin Wiemken, has appealed from the final judgment signed by the trial court on August 12, 2019. Wiemken has neither paid nor made

arrangements to pay, the fee for the preparation of the clerk's record. *See* TEX. R. APP. P. 37.3(b).

We dismiss the appeal for want of prosecution.

In connection with his appeal, On September 10, 2019, Wiemken filed an "Application to Proceed *In Forma Pauperis*" in this Court, seeking to proceed without payment of costs on appeal. Wiemken's application, however failed to include any indication that he filed a Statement of Inability to Afford Payment of Court Costs with the trial court, that the trial court declared him indigent, or that he otherwise was entitled to proceed without payment of costs. *See* TEX. R. CIV. P. 145(a), (b), (d), (f). Accordingly, on October 11, 2019, Wiemken was notified that this appeal was subject to dismissal if he did not submit written evidence, on or before November 12, 2019: (1) that he had paid or made arrangements to pay the fee for the preparation of the clerk's record or (2) that otherwise established that he was exempt from paying the trial court clerk's fee for preparation of the clerk's record. Wiemken did not adequately respond to the Court's notice.

On January 5, 2021, this Court directed the trial court clerk to prepare, certify, and file with this Court, without advance payment of costs by appellant, a clerk's record on indigence, including any motion, response, or trial court order regarding appellant's ability or inability to pay costs. *See* TEX. R. CIV. P. 145(a), (b), (d), (f); *see also* TEX. R. APP. P. 20.1. On January 15, 2021, the trial court clerk

filed the clerk's record on indigence. Our review of the record does not provide sufficient evidence that Wiemken established indigence for purposes of court costs. *See* TEX. R. CIV. P. 145 (defining "[c]osts" (internal quotations omitted)).

Accordingly, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(b), 43.2(f). We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Kelly, Guerra, and Farris.