

Opinion issued September 28, 2021



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

NO. 01-21-00220-CV

**HAROLD M. NICHOLS, Appellant
V.
DISCOVER BANK, Appellee**

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Case No. 1153988**

MEMORANDUM OPINION

Cynthia A. Nichols filed a notice of appeal from a default judgment entered against her husband, Harold M. Nichols, saying that she has power of attorney over Harold, who she asserts has dementia and is not of sound mind. Appellant has not paid for the clerk's record or the required filing fee and has not established indigence

for purposes of appellate costs. *See* TEX. R. APP. P. 5, 20.1 (indigence), 37.3(b) (allowing dismissal of appeal if no clerk's record filed due to appellant's fault); *see also* TEX. GOV'T CODE ANN. §§ 51.207, 51.208, 51.941(a), 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 May 28, 2021, the Clerk of this Court notified appellant that her appeal was subject to dismissal if appellant failed to pay the appellate filing fee on or before June 28, 2021. On June 23, 2021, the Clerk of this Court notified appellant that her appeal was subject to dismissal if appellant failed to pay the fee for the clerk's record or established indigence. *See* TEX. R. APP. P. 5 (allowing enforcement of rule), 37.3(b) (allowing dismissal of appeal if no clerk's record filed due to appellant's fault), 42.3(c) (allowing involuntary dismissal of case). Appellant has not responded to this Court's notices.

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

PER CURIAM

Panel consists of Justices Kelly, Hightower, and Farris.