

Opinion issued October 25, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00449-CV

IN THE INTEREST OF K.A.D., A CHILD

**On Appeal from the 505th District Court
Fort Bend County, Texas
Trial Court Case No. 21-DCV-289190**

MEMORANDUM OPINION

Appellant, mother, 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); 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 July 8,

2022, the Clerk of this Court notified appellant that this appeal was subject to dismissal if appellate costs were not paid, or indigence was not established by August 8, 2022. *See* TEX. R. APP. P. 5, 42.3(b), (c). Appellant has not adequately responded to the Clerk's notice.

Appellant has also failed to timely file a brief. *See* TEX. R. APP. P. 38.6(a) (governing time to file brief). Appellant filed her notice of appeal on June 16, 2022. Accordingly, the appellate record was due to be filed by July 19, 2022. *See* TEX. R. APP. P. 35.1. The clerk's record was filed on July 14, 2022. On July 21, 2022, the court reporter notified the Court that no reporter's record was taken in this case. Accordingly, appellant's brief was due to be filed on or before August 22, 2022. *See* TEX. R. APP. P. 38.6(a), (d). However, no brief was filed.

On August 31, 2022, appellant was notified by the Clerk of this Court that this appeal was subject to dismissal unless a brief, or motion to extend time to file a brief, was filed within ten days of the Court's notice. *See* TEX. R. APP. P. 38.8(a) (governing failure of appellant to file brief), 42.3(b) (allowing involuntary dismissal of appeal for want of prosecution), 42.3(c) (allowing involuntary dismissal of case for failure to comply with notice from clerk of court). Despite the Clerk's notice that this appeal was subject to dismissal, appellant has not adequately responded.

Accordingly, we dismiss the appeal for nonpayment of all required fees and for want of prosecution. *See* TEX. R. APP. P. 5, 42.3(b), (c), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Goodman, Countiss, and Farris.