

Dismissed and Memorandum Opinion filed November 13, 2014.



In The

Fourteenth Court of Appeals

NO. 14-14-00583-CV

ALPER KARAALI, Appellant

V.

PETROLEUM WHOLESALE, L.P., Appellee

**On Appeal from the 333rd District Court
Harris County, Texas
Trial Court Cause No. 2011-44275**

MEMORANDUM OPINION

According to information provided to this court, the trial court signed a final judgment April 15, 2014, and appellant filed a timely motion for new trial. The trial court denied the motion for new trial by an order signed May 27, 2014. Appellant then filed a pro se notice of appeal on July 18, 2014. Appellant also filed an affidavit of indigence. *See* Tex. R. App. P. 20.1(a)(2).

The record has not been filed in this appeal, and both the district clerk's office and the court reporters have stated appellant has not paid for preparation of

the record. On August 27, 2014, one of the court reporters on this case notified this court that appellant's request to proceed as a pauper was denied by the trial court. We ordered a partial record containing the documents related to appellant's claim of indigence, which was filed September 24, 2014. The reporter's record from the indigence hearing was filed September 26, 2014. The record reflects that the Harris County District Clerk and the official court reporter filed timely contests to appellant's affidavit of indigence. *See* Tex. R. App. P. 20.1(e). The trial court granted an extension of time to conduct a hearing on the contest. *See id.* 20.1(i)(3). A hearing on the contests was held August 15, 2014. On August 19, 2014, the trial court signed an order sustaining the contest to appellant's affidavit of indigence and ordering him to pay the costs of appeal. *See id.* 20.1(i)(4).

On October 7, 2014, this court ordered appellant to pay the appellate filing fee on or before October 31, 2014. *See* Tex. R. App. P. 5. In addition we ordered appellant to pay the costs for preparation of the clerk's record and provide this court with proof of payment on or before October 31, 2014. *See id.* 37.3(b). The court's order stated that if appellant failed to comply, the appeal would be dismissed. *See id.* 42.3. Appellant filed no response. The appellate filing fee has not been paid and the complete clerk's record has not been filed.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices McCally, Brown, and Wise.