

Appeal Dismissed and Memorandum Opinion filed March 8, 2016



In The

Fourteenth Court of Appeals

NO. 14-16-00034-CV

IN THE INTEREST OF L.S.C., A CHILD

**On Appeal from the 387th District Court
Fort Bend County, Texas
Trial Court Cause No. 15-DCV-222123**

M E M O R A N D U M O P I N I O N

This is an appeal from a judgment terminating the parent-child relationship, if any, between appellant, Joaquin Soto, and the child, L.S.C. The notice of restricted appeal was filed January 13, 2016.

No clerk's record has been filed. The clerk responsible for preparing the record in this appeal informed the court appellant did not make arrangements to pay for the record. Further, our records reflect that the appellate filing fee has not been paid.

In a suit filed by a governmental entity in which termination of the parent-child relationship or managing conservatorship is requested, a parent determined by the court to be indigent is presumed to remain indigent for any appeal. Tex. R. App. P. 20.1(a)(3). This case was not filed by a governmental entity; it was filed by an adoption agency. Also, appellant has not shown that the trial court determined him to be indigent. Therefore, he is responsible for paying for the clerk's record and paying the filing fee. *See* Tex. R. App. P. 35.3(a)(2) (record); Tex. R. App. P. 5 (fee); Tex. Gov't Code Ann. § 51.207 (fee).

On January 27, 2016, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of prosecution unless, within fifteen days, appellant paid or made arrangements to pay for the record and provided this court with proof of payment. *See* Tex. R. App. P. 37.3(b), Tex. R. App. P. 42.3(b). Appellant has not provided this court with proof of payment for the record.

On February 16, 2016, this court ordered appellant to pay the appellate filing fee on or before February 26, 2016, or the appeal would be dismissed. *See* Tex. R. App. P. 42.3(c) (allowing involuntary dismissal of case because appellant has failed to comply with notice from clerk requiring response or other action within specified time). Appellant has not paid the appellate filing fee.

Accordingly, the appeal is **DISMISSED**.

PER CURIAM

Panel consists of Justices Christopher, McCally, and Busby.