

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00105-CV

Warren Clayton **FRY**,
Appellant

v.

Connie Low **FRY**,
Appellee

From the County Court at Law, Kerr County, Texas
Trial Court No. 08-600C
Honorable Spencer W. Brown, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: April 7, 2010

DISMISSED

When Warren Clayton Fry filed this appeal, he was required to pay a \$175.00 filing fee. *See* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a) (Vernon 2005); *id.* §§ 51.208, 51.0051 (Vernon Supp. 2009); TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN CIVIL CASES IN THE SUPREME COURT AND THE COURTS OF APPEALS AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 07-9138, Aug. 28, 2007) § B.1.(a). Fry did not pay

the required filing fee. The clerk of this court notified Fry by letter dated February 11, 2010, that his notice of appeal was conditionally filed and the filing fee was due no later than February 22, 2010. On March 5, 2010, when the fee remained unpaid, this court ordered that Fry must, not later than March 15, 2010, either (1) pay the applicable filing fee or (2) provide written proof to this court that he is indigent or otherwise excused by statute or the Texas Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must pay—at the time an item is presented for filing—whatever fees are required by statute or Supreme Court order. The appellate court may enforce this rule by any order that is just.”). The court advised Fry that if he failed to respond satisfactorily within the time ordered, the appeal would be dismissed. *See* TEX. R. APP. P. 42.3.

The filing fee has not been paid, and appellant has not otherwise responded to our March 5 order. We therefore dismiss this appeal for want of prosecution.

PER CURIAM