

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



MEMORANDUM OPINION

No. 04-11-00855-CV

Alexander **MOLINA**,
Appellant

v.

CITIMORTGAGE, INC., et al.
Appellee

From the County Court at Law No. 3, Bexar County, Texas
Trial Court No. 371,699
Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 1, 2012

DISMISSED

When appellant Alexander Molina 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) (West 2005); *id.* §§ 51.208, 51.0051 (West Supp. 2011); 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). Appellant did not pay the required filing fee when he filed his notice of appeal. Accordingly, the

clerk of this court notified appellant by letter dated December 2, 2011, that his notice of appeal was conditionally filed and the filing fee was due no later than December 12, 2011. On December 30, 2011, when the fee remained unpaid, this court ordered that appellant must, not later than January 9, 2012, 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 appellant 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 provided a satisfactory response to our December 30, 2011 order. We therefore order this appeal dismissed for want of prosecution. We further order appellant to bear all costs of this appeal.

PER CURIAM