



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00336-CV

Jeffrey Wade **TEASDALE**,
Appellant

v.

Jeanette Nichole **MESSER**,
Appellee

From the 216th Judicial District Court, Kerr County, Texas
Trial Court No. 13133A
Honorable N. Keith Williams, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: July 24, 2013

DISMISSED

A filing fee of \$175.00 was due from appellant Jeffrey Wade Teasdale when this appeal was filed but was not paid.¹ *See* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a)(1) (West 2005); Texas Supreme Court Order Regarding Fees Charged In Civil Cases In the Supreme Court and the Courts of Appeals (July 21, 1998) § B.1.(a). Rule 5 of the Texas Rules of Appellate Procedure provides:

¹ We also note the clerk's record has not yet been filed. On July 11, 2013, the trial court clerk informed this court that appellant is not entitled to appeal without paying the fee and appellant has failed to pay or make arrangements to pay the clerk's fee. The trial court clerk's Notification of Late Record is rendered moot by this dismissal.

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.

TEX. R. APP. P. 5.

Accordingly, on June 21, 2013, this court ordered appellant to either (1) pay the applicable filing fee or (2) provide written proof to this court that he is excused by statute or the Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 20.1 (providing that indigent party who complies with provisions of that rule may proceed without advance payment of costs). Our order informed appellant that if he failed to provide such written proof within the time ordered, this appeal would be dismissed. *See* TEX. R. APP. P. 42.3. Appellant has not responded. Accordingly, this appeal is dismissed. Costs of appeal are assessed against appellant.

PER CURIAM