



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00508-CV

Rudy **MENDEZ**,
Appellant

v.

CITY OF SAN ANTONIO BUILDING STANDARDS BOARD,
Appellee

From the 166th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-08659
Honorable Barbara Hanson Nellerhoe, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: September 10, 2014

DISMISSED

A filing fee of \$195.00 was due from appellant Rudy Mendez when this appeal was filed but was not paid. *See* TEX. GOV'T CODE ANN. § 51.941(a) (West 2013); *id.* §§ 51.0051, 51.207(b)(1), 51.208 (West 2013); TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN CIVIL CASES IN THE SUPREME COURT, IN CIVIL CASES IN THE COURTS OF APPEALS, AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 13-9127, Aug. 16, 2013). The clerk of the court notified appellant of this deficiency in a letter dated July 22, 2014. The fee remains unpaid. Rule 5 of the Texas Rules of Appellate Procedure provides:

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 August 13, 2014, 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.

The district clerk's pending Notification of Late Record is, therefore, moot. Costs of appeal are assessed against appellant.

PER CURIAM