

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00036-CV

MARVIN BRUCE BRANDON SR., Appellant

V.

**TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES,
Appellee**

**On Appeal from the County Court at Law No. 2
Montgomery County, Texas
Trial Cause No. 15-33059-P**

MEMORANDUM OPINION

Marvin Bruce Brandon Sr. filed a notice of appeal that incorporated a request for a form for an affidavit of indigence. On February 10, 2016, we mailed a form for an affidavit of indigence to the appellant. On February 16, 2016, we mailed a cost bill to the appellant. On March 22, 2016, we notified the parties that the filing fee had not been paid and warned the appellant that the appeal would be

dismissed unless the appellant remitted the filing fee for the appeal. Brandon did not respond to this Court's notice.

Although he was given a reasonable opportunity to cure before dismissal, Brandon did not file an affidavit of indigence on appeal, has not shown that he is entitled to proceed without payment of costs, and has not paid the filing fee for the appeal. *See* Tex. R. App. P. 20.1. The appeal is subject to dismissal for want of prosecution and because the appellant has failed to comply with a notice from the clerk requiring a response within a specified time. *See* Tex. R. App. P. 42.3(b), (c). Accordingly, we dismiss the appeal. *See id.*

APPEAL DISMISSED.

CHARLES KREGER
Justice

Submitted on April 27, 2016
Opinion Delivered April 28, 2016

Before Kreger, Horton, and Johnson, JJ.