

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-19-00169-CV**

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**TENIKA ROBERTS, Appellant**

**V.**

**CERBERUS SFR HOLDINGS, LP, Appellee**

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**On Appeal from the County Court at Law No. 2**  
**Montgomery County, Texas**  
**Trial Cause No. 19-31315**

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**MEMORANDUM OPINION**

In May 2019, Tenika Roberts filed a notice of appeal. In June 2019, the Clerk mailed Roberts a bill of costs, payable in thirty days. Subsequently, Roberts failed to timely pay the amount the Clerk billed her for her costs of court.

To proceed without paying court costs, Rule 20.1(b)(2) of the Texas Rules of Appellate Procedure required Roberts to advise the Clerk of the Court of Appeals that the trial court allowed her to proceed without paying costs because she

established in that court that she is indigent. Tex. R. App. P. 20.1(b)(2). Roberts could have included that information in her notice of appeal or in a docketing statement, but she failed to do so. *See id.*

In a letter dated July 11, 2019, which the Clerk sent to Roberts at the address she provided the Court in her notice of appeal, the Court warned Roberts that if she failed to pay the costs bill, her appeal would be dismissed without further notice on any date after July 26, 2019. That notice was returned undelivered, with no forwarding address. Nevertheless, Roberts has never filed a statement with this Court alleging she is unable to afford paying her court costs or alleging that she is entitled to proceed without paying them. *See Tex. R. App. P. 20.1.* And Roberts failed to pay the costs set out in the invoice the Clerk sent to her by mail.

A party's appeal may be dismissed based on the appellant's failure to comply with a requirement of the Texas Rules of Appellate Procedure or if the appellant fails to respond to a notice from the Clerk of the Court that requires a response or other action within a specified time. *See Tex. R. App. P. 42.3(c).* Roberts has not timely paid her bill of costs, she did not file a motion in this Court asking to proceed without paying costs based on any claim of indigence, and she has not shown she is entitled to proceed without paying costs. *See generally Tex. R. App. P. 20.1.*

Because Roberts both failed to pay her costs of court and failed to establish she is entitled to proceed without paying them, we dismiss her appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b), (c).

APPEAL DISMISSED.

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HOLLIS HORTON  
Justice

Submitted on August 21, 2019  
Opinion Delivered August 22, 2019

Before McKeithen, C.J., Horton and Johnson, JJ.