



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-19-00097-CV

ADRIAN RENE HARPER, APPELLANT

V.

**KEN FOLEY, RIC VOGELGESANG, GARY D. WINTERS,
AND JON CALDWELL, APPELLEES**

On Appeal from the 47th District Court
Potter County, Texas
Trial Court No. 106,479-A; Honorable Dan L. Schaap, Presiding

April 10, 2019

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant, Adrian Rene Harper, an inmate proceeding pro se, filed a notice of appeal from the trial court's order denying a motion for summary judgment. We dismiss the appeal because Harper failed to pay the filing fee or comply with chapter 14 of the Texas Civil Practice and Remedies Code.

By letter of March 20, 2019, this court directed Harper to pay the required filing fee of \$205 or, in lieu thereof, to comply with chapter 14 of the Texas Civil Practice and Remedies Code by filing an affidavit of indigence, an affidavit relating to previous filings, and a certified copy of his inmate trust account statement. See TEX. CIV. PRAC. & REM. CODE ANN. §§ 14.002(a), 14.004 (West 2017). We further advised that if Appellant did not comply by April 1, this appeal was subject to dismissal without further notice. To date, Harper has neither paid the filing fee nor filed the required chapter 14 documents.

Unless a party is excused from paying a filing fee, the clerk of this court is required to collect filing fees set by statute or the Supreme Court when an item is presented for filing. See TEX. R. APP. P. 5, 12.1(b). An inmate who files an affidavit or unsworn declaration of inability to pay costs in an appeal or original proceeding must also comply with chapter 14 of the Texas Civil Practice and Remedies Code. See TEX. CIV. PRAC. & REM. CODE ANN. § 14.002(a). An inmate's failure to comply with chapter 14 is grounds for dismissal of the appeal or original proceeding. See *Douglas v. Moffett*, 418 S.W.3d 336, 340 (Tex. App.—Houston [14th Dist.] 2013, no pet.). Because Harper has failed to pay the filing fee or comply with chapter 14 within the time provided by this court for compliance, we must dismiss his appeal.

Accordingly, the appeal is dismissed.

Per Curiam