



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

No. 07-22-00023-CV

LONNIE KADE WELSH, APPELLANT

V.

MICHAEL SEARCY, ET AL., APPELLEE

**On Appeal from the 154th District Court
Lamb County, Texas
Trial Court No. DCV-20525-21, Honorable John A. Didway, Presiding**

February 25, 2022

ORDER OF ABATEMENT AND REMAND

Before QUINN, C.J., and PARKER and DOSS, JJ.

Appellant Lonnie Kade Welsh appeals from the trial court's order declaring him a vexatious litigant.¹ The clerk's record was originally due December 27, 2021, but was not filed. We subsequently granted the district clerk, Ms. Debbie Long, two extensions to file the record after Ms. Long notified the Court that she was unable to timely complete the

¹ See TEX. CIV. PRAC. & REM. CODE ANN. § 11.101(c); *Nunu v. Risk*, 567 S.W.3d 462, 466–67 (Tex. App.—Houston [14th Dist.] 2019, pet. denied).

record due to technical difficulties and staffing issues. On February 14, 2022, Ms. Long requested an extension to February 16, stating that she had resolved the technical problems. The record has not been filed to date.

We, therefore, deny the request for further extension, abate the appeal, and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 35.3(c) (“The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed.”); 37.3(a)(1) (requiring appellate courts to “make whatever order is appropriate to avoid further delay and to preserve the parties’ rights” when the appellate record is not timely filed). On remand, the trial court shall determine the following:

1. what tasks remain to complete the filing of the clerk’s record;
2. why Ms. Long has not completed the necessary tasks;
3. what amount of time is reasonably necessary for the completion of those tasks; and
4. whether Ms. Long can complete the tasks within the time the trial court finds reasonable.

The trial court is directed to enter such orders necessary to address the aforementioned questions. So too shall it include its findings on those matters in a clerk’s record and cause that record to be filed with this Court by March 11, 2022. Should further time be needed to perform these tasks, then same must be requested before March 11, 2022.

It is so ordered.

Per Curiam