



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-10-00208-CV

IN RE TEJUAN DEMARCUS MCGOWAN

\_\_\_\_\_  
Original Proceeding

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MEMORANDUM OPINION

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Relator, Tejuan DeMarcus McGowan, presented for filing a motion for leave to file a petition for writ of mandamus, a petition for writ of mandamus, and a declaration of inability to pay cost. We use Rule 2 to suspend the application of Rule 20.1 and allow McGowan to proceed without advance payment of cost. *See* TEX. R. APP. P. 2; 20.1 (d), (e), & (f).

The petition for writ of mandamus is denied.

Further, the motion for leave to file the petition is dismissed as moot. The requirement for a motion for leave to file a petition is no longer required by the Rules of Appellate Procedure. *See* Comment to TEX. R. APP. P. 52.

Finally, absent a specific exemption, the Clerk of the Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX.

R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). *See also* TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. § 51.207(b); § 51.941(a) (Vernon 2005); and § 51.208 (Vernon Supp. 2009). Above, we allowed McGowan to proceed with filing his petition for writ of mandamus without advance payment of cost. Allowing a party to proceed without the advance payment of cost does not, however, relieve the party against whom cost are assessed from the obligation to pay those cost. Further, the write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed by the person against whom they are assessed. Under this circumstance, we order the Clerk to write off all unpaid fees in this proceeding.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis

Pet. denied

Opinion delivered and filed June 30, 2010

[OT06]