



**IN THE
TENTH COURT OF APPEALS**

No. 10-10-00304-CV

KEITH THOMAS,

Appellant

v.

JENNIFER COALSTON,

Appellee

**From the 52nd District Court
Coryell County, Texas
Trial Court No. COT-06-36693**

MEMORANDUM OPINION

Keith Thomas, an inmate, attempts to appeal an order dismissing his lawsuit signed on November 5, 2009. By letter dated August 26, 2010, the Clerk of this Court notified Thomas that his appeal was subject to dismissal because the notice of appeal was untimely. Thomas was warned that the Court would dismiss the appeal unless a response was filed showing grounds for continuing the appeal. Thomas filed a response but it fails to show grounds for continuing the appeal.

Accordingly, the appeal is dismissed. *See* TEX. R. APP. P. 42.3; 44.3.

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. 2010). Under these circumstances, we suspend the rule and order the Clerk to write off all unpaid filing fees in this case. TEX. R. APP. P. 2. The write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
Appeal dismissed
Opinion delivered and filed September 22, 2010
[CV06]