



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-10-00400-CV

JOHNNY SAVELL,

Appellant

v.

ELIZABETH C. TEEL,

Appellee

\_\_\_\_\_  
From the 278th District Court  
Walker County, Texas  
Trial Court No. 21123C

---

---

MEMORANDUM OPINION

---

---

Johnny Savell attempts to appeal from the trial court's order holding Savell in contempt. By letter dated January 26, 2011, the Clerk of this Court notified Savell that the appeal was subject to dismissal because it appeared there was no right to appeal from an order of contempt. *Deramus v. Thornton*, 333 S.W.2d 824, 827 (Tex. 1960) (The validity of a contempt judgment can be attacked only collaterally by a writ of habeas corpus). Savell was further warned by the Clerk that the Court would dismiss the appeal unless, within 21 days from the date of the letter, a response was filed showing grounds for continuing the appeal. Counsel for Savell responded by letter dated

January 31, 2011 requesting a dismissal of the appeal. The letter, however, does not indicate that it was served on, or even copied to, the other parties to the appeal.

This appeal is dismissed. *See* TEX. R. APP. P. 42.3.

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) (West 2005); and § 51.208 (West Supp. 2010). Savell did not pay the filing fees when presenting documents for filing. Under these circumstances, we suspend the rule and order the Clerk to write off all unpaid filing fees in this appeal. 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 by Johnny Savell.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed February 16, 2011  
[CV06]