



**IN THE
TENTH COURT OF APPEALS**

No. 10-11-00029-CV

SONNY WILSON,

Appellant

v.

**PATRICK R. EADY AND
JAMES T. MURRA,**

Appellees

**From the County Court at Law
Walker County, Texas
Trial Court No. 10172CV**

MEMORANDUM OPINION

Sonny Wilson, an inmate, sued Patrick R. Eady and James T. Murra in the County Court at Law in Walker County. The court dismissed Wilson's petition on September 30, 2010. Wilson's notice of appeal was filed on December 15, 2010. By letter dated February 9, 2011, the Clerk of this Court notified Wilson that the appeal was subject to dismissal because it appeared that the notice of appeal was untimely. *See* TEX. R. APP. P. 26.1. The Clerk also warned Wilson that the appeal would be dismissed unless, within 21 days of the date of the letter, a response was filed showing grounds

for continuing the appeal. We received a response from Wilson; however, it does not provide grounds for continuing the appeal.

Accordingly, this appeal is dismissed. 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). Wilson 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 Sonny Wilson.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed March 16, 2011
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