



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-11-00177-CV**

**EX PARTE ROBERT E. MACLAREN**

**From the 278th District Court  
Walker County, Texas  
Trial Court No. 25,493**

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**MEMORANDUM OPINION**

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Robert E. MacLaren attempted to appeal from a February 28, 2011 order denying his affidavit of indigence. By letter dated March 29, 2011, the Clerk of this Court notified MacLaren that the appeal was subject to dismissal because it appeared that MacLaren was attempting to appeal an interlocutory order over which there is no right to appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (West 2008) (Statute that identifies the type of orders subject to interlocutory appeal.). The Clerk also warned MacLaren 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. *See* TEX. R. APP. P. 42.3, 44.3. We did not receive a response from MacLaren and dismissed his appeal on May 4, 2011.

On May 16, 2011, we received a new notice of appeal from an April 27, 2011 order in which the trial court again denied a motion to approve MacLaren's status as indigent. We use Rule 2 to expedite this disposition. TEX. R. APP. P. 2. We will dismiss this appeal for lack of jurisdiction as we did the prior appeal of the same issue. We have no jurisdiction to review an interlocutory order that denies indigent status to a litigant.

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). 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.

Accordingly, this appeal is dismissed.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed May 25, 2011  
[CV06]