



IN THE
TENTH COURT OF APPEALS

No. 10-12-00024-CV

WILLIE EDWARD DAVIS,

Appellant

v.

CITY OF BRYAN,

Appellee

From the 85th District Court
Brazos County, Texas
Trial Court No. 11-001799-CV-85

MEMORANDUM OPINION

Willie Edward Davis, a prison inmate, appeals the adverse judgment rendered against him on December 15, 2011. By letter dated February 23, 2012, the Clerk of this Court notified Davis that the clerk's record had not been filed because he had either failed to pay or make arrangement to pay the clerk's fee for preparation of the clerk's record. The Clerk also warned Davis that, unless he paid or made arrangement to pay the clerk's fee for preparation of the clerk's record and notify the Court of the actions taken within 21 days from the date of the letter, the appeal would be dismissed for want of prosecution. TEX. R. APP. P. 37.3(b). More than 21 days have passed, and Davis has

not made arrangement to pay the clerk's fee for preparation of the clerk's record and has not notified the Court of the actions taken.

Accordingly, this appeal is dismissed. *Id.*

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. 2011). 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 Davis, and
Justice Scoggins

Dismissed

Opinion delivered and filed March 28, 2012

[CV06]