



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-13-00177-CV**

**R. WAYNE JOHNSON,**

**Appellant**

**v.**

**STEVE DENNIS AND CAROL SANFORD,**

**Appellee**

**From the County Court  
Navarro County, Texas  
Trial Court No. C13-22191-CV**

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**MEMORANDUM OPINION**

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R. Wayne Johnson, a prison inmate, attempts to appeal the trial court's dismissal of Johnson's underlying civil action. Johnson presented an affidavit of indigence for filing with his notice of appeal. Johnson did not, however, file an affidavit of previous filings or a certified copy of his inmate account with his notice of appeal as required by Chapter 14 of the Texas Civil Practice and Remedies Code. TEX. CIV. PRAC. & REM. CODE ANN. §§ 14.002; 14.004(a) and (c) (West Supp. 2012); 14.006(f) (West 2002). Because Johnson did not comply with the Chapter 14 affidavit requirements, we dismiss this

appeal as frivolous. *Douglas v. Turner*, \_\_\_ S.W.3d \_\_\_, 2013 Tex. App. LEXIS 5747 (Tex. App.—Waco May 9, 2013, no pet. h.).<sup>1</sup>

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); 51.208 (West Supp. 2012); § 51.941(a) (West 2005). 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  
Appeal dismissed  
Opinion delivered and filed June 13, 2013  
[CV06]

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<sup>1</sup> This Court is very familiar with Johnson. See *Johnson v. Peeples*, \_\_\_ S.W.3d \_\_\_, 2013 Tex. App. LEXIS 4081 (Tex. App.—Waco Mar. 28, 2013, no pet. h.).

We also note that Johnson is on the list of vexatious litigants maintained by the Office of Court Administration. See <http://www.txcourts.gov/oca/vexatiouslitigants.asp>.