



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-13-00345-CV**

**GLENN WINNINGHAM, HOUSE OF FEARN,**  
**Appellant**

**v.**

**CITY OF FORT WORTH, LAETITIA COLEMAN  
BROWN, SARAH J. FULLENWIDER, OFFICER C.  
PAGE, NINFA MARES, JAMES D. ROGERS,  
JEFFREY HALSTEAD, AND WILLIAM RUMULY,**  
**Appellees**

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**From the 67th District Court  
Tarrant County, Texas  
Trial Court No. 067-263565-13**

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**MEMORANDUM OPINION**

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Appellant, who has identified himself throughout this proceeding as “Glenn Winningham; house of Fearn,” appeals the trial court’s order granting the City of Fort Worth’s plea to the jurisdiction. On October 7, 2013, the Texas Supreme Court ordered appellant’s appeal transferred from the Second Court of Appeals to this Court after all seven justices on the Second Court of Appeals recused themselves. Following our

standard policies and procedures, by letter dated January 23, 2014, the Clerk of this Court notified appellant that the clerk's record in the above cause had apparently not been filed because appellant had failed to pay or make arrangements to pay the clerk's fee for preparation of the record. In the same letter, the Clerk notified appellant that if appellant wished to proceed with this appeal, he must pay or make arrangements to pay the clerk's fee and notify this Court of the actions taken within 21 days after the date of the January 23, 2014 letter. The Clerk further warned that if appellant failed to do so, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b).

More than 21 days have passed and we have not been notified whether appellant has paid or made arrangement to pay the clerk's fee. Accordingly, this appeal is dismissed. *Id.*; 42.3(b).

We note that appellant has also failed to pay any filing fees in this appeal. 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; § 51.941(a) (West 2013). 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 February 27, 2014  
[CV06]