



**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00056-CV

**MONEY OF THE UNITED STATES IN
THE AMOUNT OF \$14,345.00,**

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 272nd District Court
Brazos County, Texas
Trial Court No. 11-000614-CV-272**

MEMORANDUM OPINION

Lawrence Edward Blue, a prison inmate, appeals the trial court's judgment forfeiting \$14,345 seized from Blue by the Bryan Police Department. On March 31, 2014, the Clerk of this Court notified Blue that his original filing fee for his appeal was past due. The Clerk further warned Blue that unless he obtained indigent status or unless the fee was paid within 10 days, his appeal would be dismissed pursuant to Rule 42.3(c) of the Texas Rules of Appellate Procedure.

We received what we determined to be a motion for extension of time to file Blue's affidavit of indigence which was filed on April 7, 2014. By letter dated April 10, 2014, the Clerk of this Court notified Blue that his motion was not served in accordance with Rule 9.5 of the Texas Rules of Appellate Procedure. Blue was warned in the same letter that the failure to serve a copy of the motion and provide proof of service to the Court within 14 days from the date of the Clerk's letter would result in the Court striking Blue's motion. More than 14 days have passed and we have not been provided proof of service. Accordingly, Blue's motion for extension of time to file an affidavit of indigence is stricken.

Further, because Blue has not paid the filing fee for his appeal and has not obtained indigent status for the purpose of this appeal, his appeal is dismissed. *See* TEX. R. APP. P. 42.3(c).

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 May 8, 2014
[CV06]