



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-17-00355-CV**

**GARY WAYNE MCGRUDER,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

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**From the 272nd District Court  
Brazos County, Texas  
Trial Court No. 06-03839-CRF-272**

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**MEMORANDUM OPINION**

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On October 12, 2017, appellant, Gary Wayne McGruder, filed a document complaining about actions taken by the Brazos County Sheriff's Office or the College Station Police Department that purportedly violate his civil rights. McGruder did not include a final, signed order from the trial court with his filing. We docketed this matter as a civil appeal and, on November 14, 2017, notified McGruder that this matter is subject to dismissal because there does not appear to be a final order from which he can appeal

to this Court. Accordingly, we requested a response from McGruder showing grounds for continuing this appeal within twenty-one days of November 14, 2017. McGruder has not responded to our November 14, 2017 notification.

With certain exceptions not applicable here, only final decisions of a trial court are appealable. *Gregory v. Foster*, 35 S.W.3d 255, 257 (Tex. App.—Texarkana 2000, no pet.) (citing *N.E. Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966)). Indeed, the Texas Supreme Court has held that an appeal may be taken only from a final judgment and certain interlocutory orders identified by statute. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); see also *Macon v. Tex. Dep't of Criminal Justice-Inst. Div.*, No. 10-10-00150-CV, 2012 Tex. App. LEXIS 4207, at \*\*2-3 (Tex. App.—Waco May 23, 2012, no pet.) (mem. op.) (“Unless an interlocutory appeal is expressly authorized by statute, we only have jurisdiction over an appeal taken from a final judgment.”). Because McGruder has not directed us to a final judgment or appealable, interlocutory order, we dismiss this matter for want of jurisdiction. See TEX. R. APP. P. 42.3(a), 43.2(f); *Lehmann*, 39 S.W.3d at 195; see also *Macon*, 2012 Tex. App. LEXIS 4207, at \*\*2-3.

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 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.

AL SCOGGINS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Appeal dismissed

Opinion delivered and filed December 20, 2017

[CV06]

