



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00148-CV

FRANK BROWN,

Appellant

v.

BOBBY LUMPKIN, DIRECTOR TDCJ,

Appellee

**From the Precinct 1 Place 1
Walker County, Texas
Trial Court No. 215018**

MEMORANDUM OPINION

Appellant Frank Brown's notice of appeal and Motion to Extend Time to file a notice of appeal was filed in this Court on June 30, 2021.

By letter dated July 6, 2021, the Clerk of this Court informed Brown that, pursuant to Rules 42.3 and 44.3 of the Texas Rules of Appellate Procedure, this appeal was subject to dismissal because, based upon the information provided by Brown, it appeared Brown was appealing from a judgment in the Justice Court over which this Court does not appear to have jurisdiction. *See* TEX. R. CIV. P. 506.1; 506.3. In the same letter, the Clerk

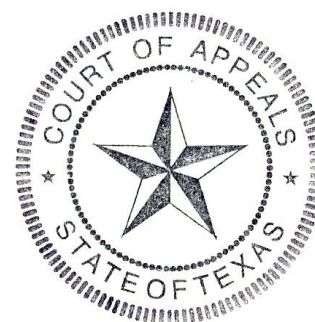
warned Brown that the appeal would be dismissed unless, within 14 days from the date of the letter, Brown filed a response with the Court explaining how this Court had jurisdiction of the motion for extension of time and corresponding appeal. More than 14 days have passed, and Brown has not responded.

Accordingly, this appeal is dismissed, and Brown's motion for extension of time to file a notice of appeal is dismissed as moot. TEX. R. APP. P. 42.3(a),(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; TEX. GOV'T CODE §§ 51.207(b); 51.208; § 51.941(a). 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 Johnson, and
Justice Rose¹
Appeal dismissed
Motion dismissed
Opinion delivered and filed August 4, 2021
[CVO6]



¹ The Honorable Jeff Rose, Former Chief Justice of the Third Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.