

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00497-CV

Ron Valentine, Sr., Appellant

v.

Jeremy Jagodzinski and Christi M. Greene, Appellees

**FROM COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. C-1-CV-12-002634, HONORABLE TODD T. WONG, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Ron Valentine, Sr., representing himself, has filed a notice of appeal from the trial court's order of dismissal. On July 13, 2017, in this Court, Valentine filed a declaration of his inability to pay appellate filing fees and any other costs associated with this appeal. We direct the Clerk of this Court to forward Valentine's declaration to the trial court for filing. In addition, we abate this appeal and remand the cause to the trial court for a determination, if necessary, of Valentine's ability to afford payment of court costs under Rule 145 of the Texas Rules of Civil Procedure. *See* Tex. R. Civ. P. 145 (payment of costs not required).

Any motion to require Valentine to pay costs or to require Valentine to prove inability to afford costs must be filed in the trial court by the appropriate party in accordance with Rule 145. *See id.* R. 145(f)(1)-(4). If necessary, the trial court shall conduct a hearing on any such motion(s)

and make appropriate orders. *See id.* R. 145(f)(5)-(7). Any and all documents filed and orders signed pursuant to Rule 145 shall be forwarded to this Court for filing as a supplemental record no later than October 13, 2017. Alternatively, a party, the trial court clerk, or the court reporter may file a status report informing this Court that additional time is needed for a determination under Rule 145. In the absence of a request for additional time, this appeal will automatically reinstate on October 30. Upon reinstatement, if an order requiring Valentine to pay costs has not been signed, Valentine will be entitled to proceed without payment of the costs associated with this appeal. *See id.* R. 145(a).

It is ordered September 13, 2017.

Before Justice Puryear, Field, and Bourland

Abated and Remanded

Filed: September 13, 2017