



NUMBER 13-16-00514-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

EX PARTE MIGUEL ANGEL ALVARADO

**On appeal from the 138th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Benavides
Memorandum Opinion Per Curiam**

Appellant, Miguel Angel Alvarado, an indigent inmate acting pro se in a civil suit, filed a notice of appeal from an order denying a petition for expunction. Appellant's notice of appeal states he is indigent and he requests free copies of the reporter's record. Because we conclude that appellant has not complied with the requirements of Chapter 14 of the Texas Civil Practice and Remedies Code, we dismiss. See TEX. CIV. PRAC. & REM. CODE ANN. § 14.004 (West, Westlaw through 2015 R.S).

Section 14.004(a) requires an inmate to file an affidavit or unsworn declaration relating to previous filings in which the inmate must detail all previous actions filed pro se, accompanied by a certified copy of the inmate's account statement. TEX. CIV. PRAC. & REM. CODE ANN. § 14.004(a),(c) (West, Westlaw R.S. 2015). An inmate filing under Chapter 14 must be afforded an opportunity, prior to dismissal of the appeal, to amend his appellate filings to cure filing defects. See *McLean v. Livingston*, 486 S.W. 3d 561 (Tex. 2016).

On October 3, 2016, the Clerk notified appellant that he had failed to comply with the Chapter 14 requirement that he file an affidavit or unsworn declaration of previous filings and that the appeal would be dismissed if the defect was not cured within ten days. Appellant has not responded to the notice from the Clerk or corrected the defect.

The Court, having examined and fully considered the documents on file and appellant's failure to file an affidavit or unsworn declaration relating to previous filings, is of the opinion that the appeal should be dismissed. Accordingly, we DISMISS the appeal.

PER CURIAM

Delivered and filed the
3rd day of November, 2016.