



NUMBER 13-17-00080-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JULIAN MANN-RAMOS,

Appellant,

v.

SOUTHSIDE INVESTMENT LTD.,

Appellee.

On appeal from the County Court at Law No. 5
of Nueces County, Texas.

MEMORANDUM OPINION

Before Justices Contreras, Benavides, and Longoria
Memorandum Opinion by Justice Benavides

Appellant Julian Mann-Ramos filed a pro se notice of appeal from a judgment of eviction awarding appellee Southside Investment Ltd. possession of a premises at 2214 Waldron Road, Corpus Christi, Texas and \$1,980.00 in unpaid rent. On February 6, 2017, the Clerk of this Court notified appellant that the notice of appeal was defective and requested that appellant file an amended notice of appeal within thirty days. The Clerk

also requested payment of the filing fee for the notice of appeal. Appellant did not respond, file an amended notice of appeal, or pay the filing fee.

On March 23, 2017, the Clerk again notified appellant that the notice of appeal failed to comply with the appellate rules and requested payment for the notice of appeal. Appellant was advised that, if these defects were not corrected within ten days from the date of this notice, the appeal would be dismissed for want of prosecution. Appellant did not respond, file an amended notice of appeal, or pay the filing fee.

On April 5, 2017, the Clerk notified appellant that the clerk's record in the above cause was originally due on April 4, 2017, and that the deputy district clerk, Tiffany Garza, had notified this Court that appellant failed to make arrangements for payment of the clerk's record. Appellant was again advised that, if the defect was not corrected within ten days from the date of this notice, the appeal would be dismissed for want of prosecution. As before, appellant did not respond to this Court's directive.

Under the Texas Rules of Appellate Procedure, this Court has the power to dismiss an appeal for want of prosecution or because the appellant has failed to comply with a requirement of the rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. See TEX. R. APP. P. 42.3(b),(c). This Court further has the power to dismiss an appeal for want of prosecution where the appellant has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record unless the appellant is entitled to proceed without payment of costs. See *id.* R. 37.3(b). And, while it is true we liberally construe pro se pleadings and briefs, a pro se litigant is still

required to comply with applicable laws and rules of procedure. *Shull v. United Parcel Serv.*, 4 S.W.3d 46, 52–53 (Tex. App.—San Antonio 1999, pet. denied).

In this case, the appellant has not responded to this Court’s directives, amended the notice of appeal, paid the filing fee for the appeal, or paid for the clerk’s record. Further, the record currently before the Court does not indicate that appellant is entitled to proceed without payment of costs or that appellant has filed a cash bond for purposes of appeal. Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 42.3(b), (c).

GINA M. BENAVIDES,
Justice

Delivered and filed the
20th day of April, 2017.