



NUMBER 13-18-00341-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BRIAN DAMON WARD, TDCJ #1426930,

Appellant,

v.

TDCJ-DIRECTOR BRAD LIVINGSTON, ET AL.,

Appellees.

**On appeal from the 12th District Court
of Walker County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Longoria
Memorandum Opinion by Chief Justice Contreras**

Appellant Brian Damon Ward, TDCJ #1426930, attempted to appeal an order of dismissal rendered against him in the 12th District Court of Walker County, Texas.¹ On

¹ His appeal was transferred to this Court from the Twelfth Court of Appeals by order of the Texas Supreme Court. See TEX. GOV'T CODE ANN. § 22.220(a) (West, Westlaw through 2017 1st C.S.) (delineating the jurisdiction of the intermediate appellate courts); TEX. GOV'T CODE ANN. § 73.001 (West,

June 22, 2018, appellant was notified that the filing fee for the notice of appeal was due to be paid within ten days to prevent dismissal of the appeal.

On July 5, 2018, the Clerk of this Court notified appellant that his notice of appeal was defective and failed to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 25.1(d)(2); *id.* R. 25.1(e); *id.* R. 9.5. The Clerk requested correction of these defects within thirty days.

On August 22, 2018, the Clerk notified appellant that the defects in his notice of appeal had not been corrected and warned appellant that the appeal would be dismissed if the defects were not cured within ten days. However, on October 25, 2018, the Court resent this correspondence to appellant after a review of our records indicated that he failed to receive our notice.

On November 1, 2018, the Clerk of this Court notified appellant, in accordance with Texas Rule of Appellate Procedure 42.3(c), that he was delinquent in paying the filing fee and that we would dismiss this appeal unless the \$205.00 filing fee was paid. See *id.* R. 42.3(c).

To date, appellant has not corrected the defects in his notice of appeal, responded to the notices from the Clerk, or paid the filing fee. See *id.* R. 5; *id.* R. 12.1(b). Further, appellant has not made payment arrangements for the clerk's record or the reporter's record.

Westlaw through 2017 1st C.S.) (granting the supreme court the authority to transfer cases from one court of appeals to another at any time that there is "good cause" for the transfer).

The Court, having considered the documents on file and the foregoing sequence of events, is of the opinion that the appeal should be dismissed. See *id.* R. 42.3(b),(c). Accordingly, the appeal is DISMISSED for want of prosecution.

DORI CONTRERAS
Chief Justice

Delivered and filed the 24th
day of January, 2019.