



NUMBER 13-22-00211-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

CHRIS HOLT,

Appellant,

v.

KIM GRIGG,

Appellee.

**On appeal from the 117th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Silva
Memorandum Opinion by Justice Hinojosa**

On May 6, 2022, Chris Holt filed a pro se notice of appeal from a judgment rendered in trial court cause number 2020-DCV-4566-B in the 117th District Court of Nueces County, Texas. That same day, the Clerk of this Court requested appellant to pay the \$205.00 filing fee for the appeal within ten days. See TEX. R. APP. P. 5, 20.1. Appellant failed to do so and did not respond to the Clerk's notice.

On May 18, 2022, the Clerk advised appellant that he was delinquent in remitting the \$205.00 filing fee. The Clerk advised appellant that the appeal was subject to dismissal because appellant had failed to comply with this Court's previous notice requiring payment of the filing fee, and the Clerk informed appellant that the appeal would be dismissed if the filing fee was not paid within ten days. *See id.* R. 5, 42.3(b), (c). Appellant did not pay the fee or otherwise respond to the Clerk's notice. *See id.* R. 5, 20.1, 42.3(b), (c).

The Texas Supreme Court has "instructed the courts of appeals to construe the [Texas] Rules of Appellate Procedure reasonably, yet liberally, so that the right to appeal is not lost by imposing requirements not absolutely necessary to effect the purpose of a rule." *Republic Underwriters Ins. Co. v. Mex-Tex, Inc.*, 150 S.W.3d 423, 427 (Tex. 2004) (quoting *Verburgt v. Dornier*, 959 S.W.2d 615, 616–617 (Tex. 1997)); *see Jardon v. Pfister*, 593 S.W.3d 810, 820 (Tex. App.—El Paso 2019, no pet.). Nevertheless, this Court has the authority to dismiss an appeal "for want of jurisdiction," "for want of prosecution," or "because the appellant has failed to comply with a requirement of [the] appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time." TEX. R. APP. P. 42.3(a),(b),(c); *see Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.).

The Court, having examined and fully considered the documents on file and the applicable law, is of the opinion that the appeal should be dismissed. Accordingly, we dismiss the appeal for want of prosecution. See TEX. R. APP. P. 42.3(b), (c), 43.2(f).

LETICIA HINOJOSA
Justice

Delivered and filed on the
7th day of July, 2022.