



NUMBER 13-23-00468-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE INTEREST OF L.A.F., E.F. III, AND J.F., CHILDREN.

**On appeal from the 319th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Silva, and Peña
Memorandum Opinion by Justice Silva**

On November 1, 2023, appellant Eduardo Franco a/k/a Eduardo Franco Jr. filed a pro se notice of appeal from a child support review order. On November 3, 2023, the Clerk of this Court requested appellant to pay the \$205.00 filing fee for the notice of appeal within ten days. See TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must pay—at the time an item is presented for filing—whatever fees are required by statute or Supreme Court order. The appellate court may enforce this rule by any order that is just.”); TEX. GOV’T CODE ANN. § 51.207 (delineating the

required fees and costs in an appellate court). The Clerk also advised appellant that the notice of appeal failed to comply with Texas Rules of Appellate Procedure 9.1(b), 9.5, 25.1(d)(1), 25.1(d)(2), and 25.1(d)(4), and requested correction of these defects. See TEX. R. APP. P. 9.1(b), 9.5, 25.1(d)(1), 25.1(d)(2), 25.1(d)(4); see also *id.* R. 37.1. On January 11, 2024, the Clerk notified appellant that he was delinquent in submitted the filing fee for the notice of appeal and informed him that the appeal would be dismissed if the filing fee was not paid. See *id.* R. 42.3(b), (c).

To date, appellant has neither paid the filing fee for the notice of appeal nor filed a corrected notice of appeal. This Court has the authority to dismiss an appeal 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. See *id.* R. 42.3(b), (c); *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.). Here, appellant has not paid the appellate filing fee and has not filed a corrected notice of appeal. Accordingly, we dismiss this appeal. See TEX. R. APP. P. 42.3(b), (c).

CLARISSA SILVA
Justice

Delivered and filed on the
22nd day of February, 2024.