



**NUMBER 13-23-00592-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

---

**IN THE INTEREST OF T.B.R. AND K.A.R., CHILDREN**

---

**ON APPEAL FROM THE 214TH DISTRICT COURT  
OF NUECES COUNTY, TEXAS**

---

**MEMORANDUM OPINION**

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

On December 20, 2023, appellant Dora Soto filed a notice of appeal from a “Default Order” in a suit modifying the parent-child relationship. On December 22, 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 Rule of Appellate Procedure 25.1(d)(2) and 25.1(d)(4) and requested correction of these defects. See TEX. R. APP. P. 25.1(d)(2),(4); see also *id.* R. 37.1.

On January 24, 2024, the Clerk notified appellant that she was delinquent in submitting the filing fee for the notice of appeal and informed her that the appeal would be dismissed if the filing fee was not paid. See *id.* R. 42.3(b), (c). That same day, the Clerk again advised appellant that the notice of appeal was defective, requested correction of the defects, and advised appellant that the appeal would be dismissed if the defects were not corrected. See *id.* R. 25.1(d)(2), (4).

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).

JAIME TIJERINA  
Justice

Delivered and filed on the  
28th day of March, 2024.