



**NUMBER 13-24-00056-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**IN RE MONTY GEORGE STUMBAUGH**

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**ON APPEAL FROM THE 332ND DISTRICT COURT  
OF HIDALGO COUNTY, TEXAS**

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**MEMORANDUM OPINION**

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

On January 25, 2024, appellant Liborio Plata filed a notice of appeal from an order granting a presuit deposition under Texas Rule of Civil Procedure 202. See TEX. R. CIV. P. 202. The order subject to appeal provides that Monty George Stumbaugh is entitled to take appellant’s deposition “in anticipation of suit.” See *id.* R. 202.1.

On February 2, 2024, the Clerk of this Court advised appellant that it appeared that there was not a final, appealable order. See TEX. R. APP. P. 42.3(a); *In re Jordan*, 249 S.W.3d 416, 419 (Tex. 2008) (orig. proceeding) (holding that a ruling on a Rule 202

petition constitutes a final, appealable order “only if [the pre-suit deposition is] sought from someone against whom suit is *not* anticipated” and is neither final nor appealable when “sought from an anticipated defendant”). The Clerk informed appellant that the appeal would be dismissed if this defect was not cured. The Clerk also 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). On February 20, 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 TEX. R. APP. P. 42.3(b), (c).

The Court, having examined and fully considered the documents on file, is of the opinion that the appeal should be dismissed. To date, appellant has not responded to the Clerk’s notices, corrected the defect in the appeal, or paid the filing fee for the notice of appeal. Accordingly, we dismiss this appeal. See *id.* R. 42.3(a), (b), (c).

DORI CONTRERAS  
Chief Justice

Delivered and filed on the  
21st day of March, 2024.