

## COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

# Star Construction Services, Inc., Sandra Scherer D/B/A Star Construction Services and Individually, Robert Scherer Individually, and Sandra Scherer Individually v. JVH Interest, Inc.

No. 01-26-00133-CV · No. 01-26-00133-CV · Decided April 23, 2026

### SUMMARY

The Texas Court of Appeals for the First District dismissed the appeal for want of prosecution because the appellants neither established indigence nor paid the required appellate fees. The court also dismissed all pending motions as moot.

### CASE DETAILS

|                       |                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the First District of Texas                                                                                                                            |
| WRITING FOR THE COURT | Chief Justice Adams; Justice Guerra; Justice Guiney                                                                                                                         |
| JURISDICTION          | Court of Appeals for the First District of Texas                                                                                                                            |
| DECIDED               | April 23, 2026                                                                                                                                                              |
| DOCKET                | 01-26-00133-CV                                                                                                                                                              |
| DISPOSITION           | dismissed                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Appeal dismissed for want of prosecution because appellants neither established indigence nor paid all required appellate fees and failed to respond to the court's notice. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                   |
| PARTIES               | Star Construction Services, Inc., Sandra Scherer D/B/A Star Construction Services, Robert Scherer Individually, Sandra Scherer Individually v. JVH Interest, Inc.           |

### TOPICS

[appellate procedure](#) [costs](#) [civil procedure](#)

### PRACTICE AREAS

[appellate procedure](#) [civil procedure](#) [construction law](#)

## QUESTIONS PRESENTED

1. Whether the court of appeals should dismiss the appeal when appellants neither established indigence nor paid the required appellate fees and failed to respond to the court's notice.

## HOLDINGS

1. When appellants neither establish indigence nor pay all required appellate fees, and fail to respond after being notified that the appeal may be dismissed, the court may dismiss the appeal for want of prosecution.
2. Pending motions are dismissed as moot after dismissal of the appeal.

## KEY QUOTATIONS

*“As a result, we dismiss this appeal for want of prosecution due to the nonpayment of all required fees.”* (at 2)

## FACTUAL BACKGROUND

Appellants had not established indigence and had not paid all required appellate fees. After receiving notice that the appeal could be dismissed unless they timely explained why the fees should not be paid or paid the fees, appellants did not respond. The court therefore dismissed the appeal for want of prosecution.

## PROCEDURAL HISTORY

The appeal arose from the County Civil Court at Law No. 3 of Harris County, Texas, in trial court case number 1225816. The court of appeals notified appellants that the appeal would be subject to dismissal unless they explained why they should not pay the required fees or paid them. Appellants did neither, so the court dismissed the appeal and dismissed pending motions as moot.

## DISPOSITION

dismissed

## OPINION

Star Construction Services, Inc., Sandra Scherer, D/B/A Star Construction Services and Individually, and Robert Scherer v. JVH Interest, Inc.

PER CURIAM.

Opinion issued April 23, 2026 In The Court of Appeals For The First District of Texas

NO. 01-26-00133-CV

STAR CONSTRUCTION SERVICES, INC., SANDRA SCHERER D/B/A

STAR CONSTRUCTION SERVICES, ROBERT SCHERER

INDIVIDUALLY, AND SANDRA SCHERER INDIVIDUALLY, Appellants V. JVH INTEREST,

INC., Appellee On Appeal from the County Civil Court at Law No. 3 Harris County, Texas Trial Court Case No. 1225816

## MEMORANDUM OPINION

Appellants Star Construction Services, Inc., Sandra Scherer doing business as Star Construction Services, Robert Scherer, Individually, and Sandra Scherer Individually, have neither established indigence, nor paid all the required fees. See TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent), 20.1 (listing requirements for establishing indigence), 34.1; see also TEX. R. CIV. P. 145; see also TEX. GOV'T CODE ANN. §§ 51.207, 51.208, 51.851(b), 51.941(a) (listing fees in court of appeals); Order, Fees Charged in the Supreme Court, in Civil Cases in the Courts of Appeals, and Before the Judicial Panel on Multi-District Litigation, and in the Business Court, Misc. Docket No. 24-9047 (Tex. July 26, 2024), reprinted in TEX. R. APP. P. app. A § B(1) (listing fees in court of appeals). Appellants were notified by the Court that this appeal would be subject to dismissal—unless they timely informed the Court in writing as to why they should not pay the fees, or actually pay the fees. See TEX. R. APP. P. 37.3(a), (b), 42.3(b). Appellants never responded as requested by the Court. See TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case). As a result, we dismiss this appeal for want of prosecution due to the nonpayment of all required fees. See TEX. R. APP. P. 37.3(b), 42.3(b)–(c). We dismiss any pending motions as moot.

## PER CURIAM

Panel consists of Chief Justice Adams and Justices Guerra and Guiney. 2