

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Monica Garcia v. Ignacio Sanchez and Jeff Kotham, Individually,
d/b/a Texas Towing Corporation

No. 04-25-00244-CV · No. No. 04-25-00244-CV · Decided November 26, 2025

SUMMARY

The Fourth Court of Appeals of Texas dismissed Monica Garcia’s appeal for want of prosecution. The court found that Garcia failed to provide proof that the clerk’s fee had been paid or that she was entitled to appeal without paying it, despite an order requiring her to do so.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez, Chief Justice; Irene Rios, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	November 26, 2025
DOCKET	No. 04-25-00244-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant's civil appeal was dismissed for want of prosecution after she failed to provide proof that the clerk's fee had been paid or arranged for, or that she was entitled to appeal without paying the fee.
PRECEDENTIAL VALUE	Published
PARTIES	Monica Garcia v. Ignacio Sanchez, Jeff Kotham, Individually, d/b/a Texas Towing Corporation

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution when appellant failed to provide the required proof concerning payment of the clerk's fee or entitlement to appeal without paying it.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to timely comply with the appellate court's order requiring proof that the clerk's fee was paid, arranged for, or legally excused.

KEY QUOTATIONS

“Accordingly, this appeal is dismissed for want of prosecution.” (2)

FACTUAL BACKGROUND

The clerk's record was not filed when due because appellant had failed to pay the clerk's fee for preparing the record. The appellate court ordered appellant to show either that the fee had been paid or arrangements had been made to pay it, or that she was entitled to appeal without paying the fee. Appellant did not respond by the court-ordered deadline.

PROCEDURAL HISTORY

The appeal arose from the 131st Judicial District Court of Bexar County, Texas, trial court cause number 2021CI05004. The trial court clerk notified the court of appeals that the clerk's record had not been filed because appellant had not paid the clerk's fee. The court of appeals ordered appellant to provide proof regarding payment or indigency-related entitlement to appeal, warned that noncompliance would result in dismissal, and dismissed the appeal after appellant failed to respond.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-25-00244-CV Monica GARCIA, Appellant v. Ignacio SANCHEZ and Jeff Kotham, Individually, d/b/a Texas Towing Corporation, Appellees From the 131st Judicial District Court, Bexar County, Texas Trial Court No. 2021CI05004 Honorable Norma Gonzales, Judge Presiding PER CURIAM Sitting: Rebeca C. Martinez, Chief Justice Irene Rios, Justice Lori I. Valenzuela, Justice Delivered and Filed: November 26, 2025 DISMISSED On June 6, 2025, the trial court clerk notified this court that the clerk's record was not filed when it was originally due because appellant had failed to pay the clerk's fee for preparing the record and appellant is not entitled to appeal without paying the fee.

On September 22, 2025, this court ordered appellant to provide written proof to this court by October 22, 2025, that either (1) the clerk's fee had been paid or arrangements had been made to pay the clerk's fee; or (2) that appellant is entitled to appeal without paying the clerk's fee.

We warned that, if appellant failed 04-25-00244-CV to timely respond, this appeal would be dismissed for want of prosecution. See TEX. R. APP. P. 37.3(b). To date, appellant has not responded. Accordingly, this appeal is dismissed for want of prosecution. See id. R. 37.3(b), 42.3(b). Costs of the appeal are taxed against appellant. PER CURIAM -2-