

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

Charles Victor Williams v. Scott Stiles, et al.

No. 04-18-00575-CV · No. No. 04-18-00575-CV · Decided September 7, 2018

SUMMARY

The Fourth Court of Appeals of Texas ordered Charles Victor Williams to show cause why his appeal should not be dismissed for failure to pay the \$205 filing fee and file a docketing statement. The court suspended other appellate deadlines pending compliance and warned that failure to respond within ten days could result in dismissal.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez
JURISDICTION	Texas
DECIDED	September 7, 2018
DOCKET	No. 04-18-00575-CV
DISPOSITION	other
PROCEDURAL POSTURE	After appellant filed a notice of appeal, the court issued a show-cause order concerning the unpaid appellate filing fee and missing docketing statement.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	Charles Victor Williams v. Scott Stiles, et al.

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

- Whether appellant should be required to show cause why the appeal should not be stricken or dismissed for failure to pay the appellate filing fee and file the docketing statement.

HOLDINGS

1. The court ordered appellant to show cause in writing within ten days either that the \$205 filing fee had been paid and the docketing statement filed, or that appellant was entitled to proceed without paying the filing fee.

KEY QUOTATIONS

“Accordingly, it is ORDERED that appellant show cause in writing within ten (10) days of the date of this order that either: (1) the \$205.00 filing fee has been paid and the docketing statement has been filed; or (2) appellant is entitled to appeal without paying the filing fee.”

“If appellant fails to respond within the time provided, this appeal will be dismissed for failure to pay the filing fee.”

FACTUAL BACKGROUND

Williams filed a notice of appeal on August 16, 2018. The appellate record did not show payment of the \$205 filing fee, filing of the required docketing statement, or an applicable statutory or rule-based exemption from the fee.

PROCEDURAL HISTORY

Appellant's notice of appeal was filed in the Fourth Court of Appeals on August 16, 2018. The clerk notified appellant that the \$205 filing fee had not been paid and that a docketing statement had not been filed. The court ordered appellant to show cause within ten days why the appeal should not be stricken or dismissed for failure to pay the filing fee.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas September 7, 2018 No. 04-18-00575-CV Charles Victor WILLIAMS, Appellant v. Scott STILES, et al., Appellees From the 131st Judicial District Court, Bexar County, Texas Trial Court No. 2018-CI-06819 Honorable Norma Gonzales, Judge Presiding ORDER A copy of appellant's notice of appeal was filed in this court on August 16, 2018.

On that date, the clerk of the court notified the appellant in writing that our records do not reflect that the filing fee in the amount of \$205.00 was paid and that the fee was required to be paid or the appeal could be stricken by the court.

To date, the fee has not been paid. In addition, the docketing statement has not been filed. Our record contains no evidence that appellant is excused by statute or rule from paying the filing fee. See TEX. R. APP. P. 5, 20.1.

Accordingly, it is ORDERED that appellant show cause in writing within ten (10) days of the date of this order that either: (1) the \$205.00 filing fee has been paid and the docketing statement has been filed; or (2) appellant is entitled to appeal without paying the filing fee. See TEX. R. APP. P. 20.1. If appellant fails to respond within the time provided, this appeal will be dismissed for failure to pay the filing fee.

See TEX. R. APP. P. 5, 42.3(c). All other appellate deadlines are suspended pending appellant's compliance with this order. _____ Rebeca C. Martinez, Justice
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 7th day of September, 2018. _____ Keith E. Hottle,
Clerk of Court