

## COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

### Willie Arthur Jackson v. Shalanda Meshell Jackson

No. 05-16-01517-CV · No. No. 05-16-01517-CV · Decided March 6, 2017

#### SUMMARY

The Fifth District Court of Appeals of Texas dismissed Willie Arthur Jackson's appeal because he failed to pay the filing fee, submit the required docketing statement, or provide documentation concerning payment for the clerk's record. The court relied on Texas Rules of Appellate Procedure 37.3(b) and 42.3(b)–(c).

#### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Fifth District of Texas at Dallas                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Carolyn Wright, Chief Justice; Justice Lang-Miers; Justice Stoddart                                                                                                                                                                                                              |
| JURISDICTION          | Texas                                                                                                                                                                                                                                                                            |
| DECIDED               | March 6, 2017                                                                                                                                                                                                                                                                    |
| DOCKET                | No. 05-16-01517-CV                                                                                                                                                                                                                                                               |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Appellant's appeal from the 302nd Judicial District Court of Dallas County was dismissed after he failed to pay the filing fee, file the required docketing statement, or provide documentation concerning payment for the clerk's record despite repeated notices and warnings. |
| PRECEDENTIAL VALUE    | Published memorandum opinion                                                                                                                                                                                                                                                     |
| PARTIES               | Willie Arthur Jackson v. Shalanda Meshell Jackson                                                                                                                                                                                                                                |

#### TOPICS

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

#### PRACTICE AREAS

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

#### QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because appellant failed to pay the filing fee and failed to comply with requirements concerning the docketing statement and clerk's record after notice and

warnings.

## HOLDINGS

1. An appeal may be dismissed when the appellant fails, after notice and warning, to pay the filing fee, file the required docketing statement, and provide the documentation necessary for preparation of the clerk's record.

## KEY QUOTATIONS

*“To date, appellant has not paid the filing fee, provided the required documentation, or otherwise corresponded with the Court regarding the status of this appeal.” (2)*

## FACTUAL BACKGROUND

The filing fee, docketing statement, and clerk's record were overdue in the appeal. After receiving notices and warnings from the court, appellant neither paid the filing fee nor provided documentation showing payment arrangements or an entitlement to proceed without payment of costs.

## PROCEDURAL HISTORY

The appeal was taken from the 302nd Judicial District Court of Dallas County, Texas, in trial court cause number DF-16-02736. The court of appeals notified appellant of several outstanding filing and record requirements and warned that failure to comply could result in dismissal. Appellant did not pay the filing fee, provide the required documentation, or otherwise communicate with the court, so the court dismissed the appeal.

## DISPOSITION

dismissed

## OPINION

### PER CURIAM.

Dismissed and Opinion Filed March 6, 2017 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-16-01517-CV WILLIE ARTHUR JACKSON, Appellant V. SHALANDA MESHELL JACKSON, Appellee On Appeal from the 302nd Judicial District Court Dallas County, Texas Trial Court Cause No. DF-16-02736 MEMORANDUM OPINION Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart Opinion by Chief Justice Wright The filing fee, docketing statement, and clerk's record in this case are past due.

By postcard dated December 29, 2016, we notified appellant the \$205 filing fee was due. We directed appellant to remit the filing fee within ten days and expressly cautioned appellant that failure to do so would result in dismissal of the appeal. Also by postcard dated December 29, 2016, we informed appellant the docketing statement in this case was due.

We cautioned appellant that failure to file the docketing statement within ten days might result in the dismissal of this appeal without further notice. By letter dated January 31, 2017, we informed appellant the clerk's record had not been filed because appellant had not paid for the clerk's record.

We directed appellant to provide verification of payment or arrangements to pay for the clerk's record or to provide written documentation he had been found entitled to proceed without payment of costs. We cautioned appellant that failure to do so would result in the dismissal of this appeal without further notice.

To date, appellant has not paid the filing fee, provided the required documentation, or otherwise corresponded with the Court regarding the status of this appeal. Accordingly, we dismiss this appeal. See TEX. R. APP. P. 37.3(b); 42.3(b) (c). /Carolyn Wright/ CAROLYN WRIGHT CHIEF JUSTICE 161517F.P05 -2- S Court of Appeals Fifth District of Texas at Dallas JUDGMENT WILLIE ARTHUR JACKSON, Appellant On Appeal from the 302nd Judicial District Court, Dallas County, Texas No. 05-16-01517-CV V. Trial Court Cause No. DF-16-02736.

Opinion delivered by Chief Justice Wright. SHALANDA MESHELL JACKSON, Justices Lang-Miers and Stoddart Appellee participating. In accordance with this Court's opinion of this date, this appeal is DISMISSED. Judgment entered March 6, 2017. -3-