

FOURTEENTH COURT OF APPEALS OF TEXAS

William Velasquez v. Velma Velasquez Buzo

No. 14-22-00491-CV · No. 14-22-00491-CV · Decided March 14, 2023

SUMMARY

The Fourteenth Court of Appeals dismissed William Velasquez's appeal for want of prosecution. The court found that appellant failed to pay the appellate filing fee, arrange payment for the clerk's record, or respond to court notices and orders.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Justice Wise; Justice Zimmerer; Justice Wilson
JURISDICTION	Texas
DECIDED	March 14, 2023
DOCKET	14-22-00491-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a June 7, 2022 judgment of Probate Court No. 3 of Harris County, Texas; the court dismissed the appeal for want of prosecution after appellant failed to pay the appellate filing fee, make arrangements to pay for the clerk's record, or respond to multiple court notices and orders.
PRECEDENTIAL VALUE	published
PARTIES	William Velasquez v. Velma Velasquez Buzo

TOPICS

- appellate procedure
- costs
- civil procedure
- probate procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- probate

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when the appellant failed to pay the appellate filing fee, failed to make arrangements to pay for the clerk's record, and failed to respond to the appellate court's notices

and order.

HOLDINGS

1. An appeal may be involuntarily dismissed for want of prosecution when the appellant fails to pay the appellate filing fee, fails to make arrangements to pay for the clerk's record, and fails to respond to court notices and orders requiring action within specified deadlines.

KEY QUOTATIONS

“Accordingly, we dismiss the appeal. See Tex. R. App. P. 42.3(c) (allowing involuntary dismissal of case because appellant has failed to comply with notice from clerk requiring response or other action within specified time).”

FACTUAL BACKGROUND

The appeal concerned a judgment signed on June 7, 2022. Appellant did not pay the appellate filing fee or make arrangements to pay for the clerk's record, and no clerk's record was filed. Despite multiple notices and an order setting deadlines and warning that noncompliance could result in dismissal, appellant did not respond or comply.

PROCEDURAL HISTORY

Appellant filed a notice of appeal on July 5, 2022, from a June 7, 2022 judgment. The appellate court repeatedly notified and ordered appellant to pay the appellate filing fee and make arrangements to pay for the clerk's record. Appellant did not comply or respond, and no clerk's record was filed. The court dismissed the appeal without further notice under Texas Rule of Appellate Procedure 42.3(c).

DISPOSITION

dismissed

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