

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

OPINION

PER CURIAM.

Appeal Dismissed and Memorandum Opinion filed March 14, 2023. In The Fourteenth Court of Appeals NO. 14-22-00491-CV WILLIAM VELASQUEZ, Appellant V. VELMA VELASQUEZ BUZO, Appellee On Appeal from the Probate Court No. 3 Harris County, Texas Trial Court Cause No. 479,995 MEMORANDUM OPINION This appeal is from a judgment signed June 7, 2022.

The notice of appeal was filed July 5, 2022. To date, our records show that appellant has not paid the appellate filing fee. See Tex. R. App. P. 5 (requiring payment of fees in civil cases unless party is excused by statute or by appellate rules from paying costs). Tex. Gov't Code § 51.207 (appellate fees and costs).

Moreover, no clerk's record has been filed. The clerk responsible for preparing the record in this appeal indicated to the court appellant did not make arrangements to pay for the record. On July 19, 2022, appellant was instructed to pay the appellate filing fee on or before July 29, 2022 or the appeal would be subject to dismissal without further notice.

In addition, on January 31, 2023, notification was transmitted to all parties that the appeal was subject to dismissal without further notice unless, within fifteen days, appellant made arrangements to pay for the record and provided this court with proof of payment. See Tex. R. App. P. 37.3(b). Appellant did not provide any response to any of those notices.

On February 23, 2023, appellant was ordered to pay the filing fee and demonstrate he had made arrangements to pay for the clerk's record on or before March 6, 2023. In the order, the court notified appellant that failure to comply with either of those requirements would leave the appeal subject to dismissal without further notice for want of prosecution. Appellant has not paid the appellate filing fee, he has not provided this court with proof of payment for the record, nor has he otherwise responded to the court's order.

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). PER CURIAM Panel consists of Justices Wise, Zimmerer, and Wilson. 2