

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

Flower Mound Humane Society v. Joni Trent

No. 2-08-399-CV · No. No. 2-08-399-CV · Decided November 20, 2008

SUMMARY

The Second District Court of Appeals of Texas dismissed Flower Mound Humane Society’s appeal because the appellant failed to pay the required \$175 filing fee after receiving notice. The court assessed all costs of the appeal against the appellant.

CASE DETAILS

COURT	Court of Appeals of Texas, Second District, Fort Worth
WRITING FOR THE COURT	Walker, J.; Cayce, C.J.; McCoy, J.
JURISDICTION	Texas
DECIDED	November 20, 2008
DOCKET	No. 2-08-399-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from the County Court at Law No. 2 of Denton County. After notifying appellant that the appeal would be dismissed unless the \$175 filing fee was paid, the court dismissed the appeal when appellant failed to pay the fee.
PRECEDENTIAL VALUE	Memorandum opinion; no reporter citation appears in the source.
PARTIES	Flower Mound Humane Society v. Joni Trent

TOPICS

[appellate procedure](#) [costs](#) [civil procedure](#)

PRACTICE AREAS

[Civil procedure](#) [Appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the court should dismiss the appeal because appellant failed to pay the required filing fee after notice.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to comply with the appellate rules and applicable fee requirements after receiving notice and an opportunity to cure.

KEY QUOTATIONS

“Because appellant has failed to comply with a requirement of the rules of appellate procedure and the Texas Supreme Court’s order of August 28, 2007, we dismiss the appeal.” (at 1)

FACTUAL BACKGROUND

The appeal concerned appellant's failure to pay the required appellate filing fee. The court gave appellant two notices and an opportunity to cure the deficiency by paying \$175, but appellant did not do so.

PROCEDURAL HISTORY

On October 14 and October 27, 2008, the court notified Flower Mound Humane Society that the appeal would be dismissed unless it paid the \$175 filing fee. Appellant did not pay the fee. The court dismissed the appeal and assessed appellate costs against appellant.

DISPOSITION

dismissed

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 2-08-399-CV
FLOWER MOUND HUMANE SOCIETY APPELLANT V. JONI TRENT APPELLEE FROM
COUNTY COURT AT LAW NO. 2 OF DENTON COUNTY MEMORANDUM OPINION 1
AND JUDGMENT On October 14, 2008 and October 27, 2008, we notified appellant, in
accordance with rule of appellate procedure 42.3(c), that we would dismiss this appeal unless the
\$175 filing fee was paid.

See Tex. R. App. P. 42.3(c). Appellant has not paid the \$175 filing fee. See Tex. R. App. P. 5,
12.1(b). 1 ... See Tex. R. App. P. 47.4. Because appellant has failed to comply with a requirement
of the rules of appellate procedure and the Texas Supreme Court’s order of August 28, 2007, 2 we
dismiss the appeal. See Tex. R. App. P. 42.3(c), 43.2(f). Appellant shall pay all costs of this appeal,
for which let execution issue.

See Tex. R. App. P. 43.4. PER CURIAM PANEL: WALKER, J.; CAYCE, C.J.; and MCCOY, J.
DELIVERED: November 20, 2008 2 ... See Supreme Court of Tex., Order Regarding Fees
Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial

Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Aug. 28, 2007) (listing fees in courts of appeals).

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