

# 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