

COURT OF APPEALS OF TEXAS, SECOND DISTRICT OF TEXAS, FORT WORTH

Michael Wood v. Joshua Foreman, DDS

Wood v. Foreman · No. 02-15-00135-CV · Decided June 4, 2015

SUMMARY

The Texas Court of Appeals for the Second District dismissed Michael Wood’s appeal because he failed to pay the required \$195 filing fee after receiving notices under Texas Rule of Appellate Procedure 42.3(c). The court assessed all appellate costs against Wood.

CASE DETAILS

COURT	Court of Appeals of Texas, Second District of Texas, Fort Worth
WRITING FOR THE COURT	Gabriel, J.; Livingston, C.J.; Sudderth, J.
JURISDICTION	Texas
DECIDED	June 4, 2015
DOCKET	02-15-00135-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from the 17th District Court of Tarrant County. The court of appeals notified appellant that the appeal would be dismissed unless the \$195 filing fee was paid; after appellant failed to pay the fee, the court dismissed the appeal.
PRECEDENTIAL VALUE	published
PARTIES	Michael Wood v. Joshua Foreman, DDS

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed because appellant failed to pay the required appellate filing fee after notice that nonpayment would result in dismissal.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to comply with the appellate rules and does not pay the required filing fee after receiving notice that the appeal will be dismissed for nonpayment.

KEY QUOTATIONS

“Because appellant failed to comply with a requirement of the rules of appellate procedure and the Texas Supreme Court’s order of August 16, 2013, we dismiss the appeal.” (at 1)

FACTUAL BACKGROUND

The material facts concern appellant's failure to pay the \$195 appellate filing fee after receiving two notices that the appeal would be dismissed if the fee was not paid. The court also found that appellant failed to comply with applicable appellate rules and the Texas Supreme Court's fee order.

PROCEDURAL HISTORY

The appeal arose from trial court number 017-268737-13 in the 17th District Court of Tarrant County. On April 22 and May 11, 2015, the court of appeals notified appellant under Texas Rule of Appellate Procedure 42.3(c) that the appeal would be dismissed unless the filing fee was paid. Appellant did not pay the \$195 fee, so the court dismissed the appeal and assessed appellate costs against him.

DISPOSITION

dismissed

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 02-15-00135-CV
MICHAEL WOOD APPELLANT V. JOSHUA FOREMAN, DDS APPELLEE FROM THE 17TH
DISTRICT COURT OF TARRANT COUNTY TRIAL COURT NO. 017-268737-13
MEMORANDUM OPINION 1 AND JUDGMENT On April 22, 2015, and May 11, 2015, we
notified appellant in accordance with rule of appellate procedure 42.3(c) that we would dismiss
this appeal unless the \$195 filing fee was paid.

See Tex. R. App. P. 42.3(c). Appellant has not paid the \$195 filing fee. See Tex. R. App. P. 5,
12.1(b). 1 See Tex. R. App. P. 47.4. Because appellant failed to comply with a requirement of the
rules of appellate procedure and the Texas Supreme Court’s order of August 16, 2013, 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: GABRIEL, J.; LIVINGSTON, C.J.; and
SUDDERTH, JJ. DELIVERED: June 4, 2015 2 See Supreme Court of Tex., Fees Charged in the

Supreme Court, in Civil Cases in the Courts of Appeals, and Before the Judicial Panel on Multi-district Litigation, Misc. Docket No. 13-9127 (Aug. 16, 2013) (listing fees in courts of appeals).

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