

COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA

Black Gold Texas Tea Oil, LLC, Antonio Serna v. Petrosur, LLC

Black Gold Texas Tea Oil · No. 06-26-00055-CV · Decided June 9, 2026

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana dismissed the appeal for want of prosecution because the appellants failed to pay or arrange payment for preparation of the clerk’s record and did not respond to the court’s notice. The memorandum opinion applied Texas Rules of Appellate Procedure 37.3 and 42.3(b).

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Justice Charles van Cleef; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals of Texas, Sixth Appellate District at Texarkana
DECIDED	June 9, 2026
DOCKET	06-26-00055-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Restricted appeal dismissed for want of prosecution because appellants failed to pay or arrange payment for preparation of the clerk's record and failed to respond to the appellate clerk's notice.
PRECEDENTIAL VALUE	published
PARTIES	Black Gold Texas Tea Oil, LLC, Antonio Serna v. Petrosur, LLC

TOPICS

- appellate procedure
- civil procedure
- final judgment rule

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution under the Texas Rules of Appellate Procedure when appellants failed to pay or arrange payment for the clerk's record and failed to respond to the appellate clerk's notice.

HOLDINGS

1. When appellants responsible for paying for the clerk's record neither pay or arrange payment nor provide a reasonable explanation for additional time after notice, the appellate court may dismiss the appeal for want of prosecution.

KEY QUOTATIONS

“Accordingly, we dismiss this appeal for want of prosecution.” (at 2)

FACTUAL BACKGROUND

The trial court clerk's record was due on April 20, 2026, and appellants were responsible for paying the preparation fee because they were not indigent. The record was not received, appellants did not arrange payment, and they did not respond to the appellate court's notice requiring proof of payment arrangements or a motion explaining the need for additional time.

PROCEDURAL HISTORY

Appellants filed a notice of appeal on March 25, 2026. The appeal was originally filed in the Ninth Court of Appeals and was transferred to the Sixth Court of Appeals by the Texas Supreme Court for docket equalization. After the clerk's record was not filed by the deadline, appellants were notified that dismissal would result unless they arranged payment for the record or moved for additional time; they did neither.

DISPOSITION

dismissed

OPINION

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-26-00055-CV BLACK GOLD TEXAS TEA OIL, LLC, ANTONIO SERNA, Appellants V. PETROSUR, LLC, Appellee On Appeal from the 284th District Court Montgomery County, Texas Trial Court No. 24-05-07505 Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Justice van Cleef MEMORANDUM OPINION On March 25, 2026, Appellants, Black Gold Texas Tea Oil, LLC and Antonio Serna, filed their notice of appeal in the Ninth Court of Appeals.

1 The trial court clerk's record was due to be filed with the appellate court on April 20, 2026. Appellants were not indigent and were therefore responsible for payment of the fees for the preparation of the clerk's record. See TEX. R. APP. P. 20.1; 35.3(a)(2); 37.3(b).

Because the trial court clerk's record was not received by April 20, 2026, the appellate court clerk notified Appellants by letter that their appeal would be dismissed for want of prosecution unless, by May 20, 2026, (1) Appellants provided proof that they had made satisfactory arrangements with the trial court clerk's office to pay the fee for the record, or (2) Appellants filed a motion stating the facts they relied on to reasonably explain the need for additional time to file the record.

See TEX. R. APP. P. 37.3(b); 42.3(b). On May 20, 2026, the Montgomery County, Texas District Clerk informed this Court that Appellants had neither made nor arranged payment for the preparation of the clerk's record. Furthermore, this Court has not received any response from Appellants to the April 20, 2026, correspondence. Consequently, this appeal is ripe for dismissal.

See TEX. R. APP. P. 37.3(b), (c); 42.3(b). 1 Originally appealed to the Ninth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (Supp.). 2 Accordingly, we dismiss this appeal for want of prosecution. See TEX. R. APP. P. 37.3(b); 42.3(b). Charles van Cleef Justice Date Submitted: June 8, 2026 Date Decided: June 9, 2026 3