

FOURTEENTH COURT OF APPEALS OF TEXAS

Lizzie J. Lovall, Individually; Keith L. Shaw, Individually; Kenneth L. Young, Individually; Kim L. Shaw, Individually v. Harris County, Texas, Individually, Officially and Vicariously; May Walker, Constable, Precinct 7, Individually; Ruth McDugle, Individually; Darla Turner, Individually; John K. George, Officially, Individually; Gow-Ming Chao, Individually; et al.

No. 14-13-00568-CV · No. 14-13-00568-CV · Decided November 26, 2013

SUMMARY

The Fourteenth Court of Appeals granted the appellees' motion to reconsider and withdrew its October 29, 2013 order finding the appellants indigent. The court construed an October 7, 2013 filing as an affidavit of indigence and set December 6, 2013, as the deadline for contesting that affidavit.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	November 26, 2013
DOCKET	14-13-00568-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellate order resolving appellees' motion to reconsider an earlier order finding appellants indigent.
PRECEDENTIAL VALUE	published
PARTIES	Lizzie J. Lovall, Individually, Keith L. Shaw, Individually, Kenneth L. Young, Individually, Kim L. Shaw, Individually v. Harris County, Texas, Individually, Officially and Vicariously, May Walker, Constable, Precinct 7, Individually, Ruth McDugle, Individually, Darla Turner, Individually, John K. George, Officially, Individually, Gow-Ming Chao, Individually, et al.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellees' motion to reconsider the appellate court's prior indigency determination should be granted.
2. Whether appellants' October 7, 2013 filing should be liberally construed as an affidavit of indigence under Texas Rule of Appellate Procedure 20.1(d)(2).

HOLDINGS

1. Appellees' motion to reconsider was granted, and the appellate court's October 29, 2013 order finding appellants indigent was withdrawn.
2. The court liberally construed appellants' October 7, 2013 document as an affidavit of indigence filed in the appellate court pursuant to Texas Rule of Appellate Procedure 20.1(d)(2).

FACTUAL BACKGROUND

Appellants filed a document on October 7, 2013, which the appellate court construed as an affidavit of indigence. The appellate court had issued an earlier order finding appellants indigent, but appellees moved to reconsider that determination. The court granted reconsideration and withdrew its prior order.

PROCEDURAL HISTORY

The appeal was from the 190th District Court of Harris County, Texas, trial court cause number 2011-23410. The appellate court had previously issued an order on October 29, 2013, finding appellants indigent. Appellees moved for reconsideration, and the court granted the motion, withdrew the October 29 order, liberally construed appellants' October 7 filing as an affidavit of indigence, and directed that any contest be filed by December 6, 2013.

DISPOSITION

other