

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Michael Haney v. Krishnaprasad Narla

Haney v. Narla · No. 05-18-00607-CV · Decided December 17, 2018

SUMMARY

The Fifth District Court of Appeals at Dallas dismissed Michael Haney’s appeal because the clerk’s record was overdue and Haney failed to provide verification of payment, arrangements to pay, or documentation establishing indigency. The court ordered appellee Krishnaprasad Narla to recover the costs of the appeal from Haney.

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Carolyn Wright; Chief Justice Carolyn Wright; Justice Evans; Justice Brown
JURISDICTION	Texas
DECIDED	December 17, 2018
DOCKET	05-18-00607-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed because the appellant failed to pay for or otherwise provide documentation concerning payment for the clerk's record after being directed to do so.
PRECEDENTIAL VALUE	published
PARTIES	Michael Haney v. Krishnaprasad Narla

TOPICS

appellate procedure

costs

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when the clerk's record is past due because the appellant failed to pay for it or provide documentation showing payment, payment arrangements, or entitlement to

proceed without payment of costs.

HOLDINGS

1. An appeal may be dismissed when the clerk's record is past due because the appellant has not paid for it and, after notice and an opportunity to cure, fails to provide verification of payment, arrangements to pay, or documentation establishing entitlement to proceed without payment of costs.

FACTUAL BACKGROUND

The clerk's record was not filed because appellant had not paid for it. After the appellate court gave appellant ten days to verify payment, arrange payment, or document entitlement to proceed without paying costs, appellant failed to respond.

PROCEDURAL HISTORY

The appeal arose from the 429th Judicial District Court of Collin County, Texas. The appellate court notified appellant that the clerk's record was past due because he had not paid for it, directed him to provide verification of payment, payment arrangements, or documentation supporting a waiver of costs, and warned that failure to comply would result in dismissal. Appellant did not provide the required documentation or otherwise respond, so the court dismissed the appeal and awarded appellate costs to appellee.

DISPOSITION

dismissed

OPINION

Michael Haney v. Krishnaprasad Narla

PER CURIAM.

DISMISS and Opinion Filed December 17, 2018 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-18-00607-CV MICHAEL HANEY, Appellant V. KRISHNAPRASAD NARLA, Appellee On Appeal from the 429th Judicial District Court Collin County, Texas Trial Court Cause No. 429-03738-2017

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown Opinion by Chief Justice Wright
The clerk's record in this case is past due. By letter dated August 8, 2018, we informed appellant the clerk's record had not been filed because appellant had not paid for the clerk's record. We directed appellant to provide verification of payment or arrangements to pay for the clerk's record or to provide written documentation appellant had been found entitled to proceed without payment of costs within ten days. We cautioned appellant that failure to do so would result in the dismissal of this appeal without further notice. To date, appellant has not provided the required documentation, nor otherwise corresponded with the Court regarding the status of this appeal.

Accordingly, we dismiss this appeal. See TEX. R. APP. P. 37.3(b); 42.3(b), (c). /Carolyn Wright/
CAROLYN WRIGHT

CHIEF JUSTICE

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Court of Appeals Fifth District of Texas at Dallas

JUDGMENT

MICHAEL HANEY, Appellant On Appeal from the 429th Judicial District Court, Collin County, Texas No. 05-18-00607-CV V. Trial Court Cause No. 429-03738-2017. Opinion delivered by Chief Justice Wright. KRISHNAPRASAD NARLA, Appellee Justices Evans and Brown participating. In accordance with this Court’s opinion of this date, this appeal is DISMISSED. It is ORDERED that appellee KRISHNAPRASAD NARLA recover his costs of this appeal from appellant MICHAEL HANEY. Judgment entered December 17, 2018. –3–