

TENTH COURT OF APPEALS OF TEXAS

Matthew Mark Heslep v. State

Heslep v. State · No. No. 10-19-00040-CV · Decided April 10, 2019

SUMMARY

The Tenth Court of Appeals of Texas dismissed Matthew Mark Heslep’s appeal from an order to withdraw funds because he neither paid the appellate filing fee nor obtained indigent status after notice. The dismissal was pursuant to Texas Rule of Appellate Procedure 42.3(c); the opinion was delivered and filed on March 13, 2019, and marked withdrawn on April 10, 2019.

CASE DETAILS

COURT	Tenth Court of Appeals of Texas
WRITING FOR THE COURT	John E. Neill; Chief Justice Gray; Justice Davis; Justice Neill
JURISDICTION	Texas
DECIDED	April 10, 2019
DOCKET	No. 10-19-00040-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order to withdraw funds; the court dismissed the appeal after appellant failed to pay the original filing fee or obtain indigent status.
PRECEDENTIAL VALUE	Withdrawn; nonprecedential
PARTIES	Matthew Mark Heslep v. The State of Texas

TOPICS

appellate procedure costs civil procedure

PRACTICE AREAS

appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because appellant failed to pay the filing fee or obtain indigent status after receiving notice and an opportunity to cure.

HOLDINGS

1. Because appellant failed to pay the filing fee or obtain indigent status within ten days after notice and warning, the appeal was dismissed under Texas Rule of Appellate Procedure 42.3(c).

KEY QUOTATIONS

“Ten days have passed, and appellant has not paid the filing fee for this appeal or obtained indigent status. Accordingly, we hereby dismiss this appeal.” (Opinion at 1)

FACTUAL BACKGROUND

The trial court signed an Order to Withdraw Funds on August 24, 2018. After Heslep appealed, the appellate clerk notified him that the original filing fee had not been paid and warned that the appeal would be dismissed unless he paid the fee or obtained indigent status. Heslep took neither action within the prescribed ten-day period.

PROCEDURAL HISTORY

The 19th District Court of McLennan County signed an Order to Withdraw Funds on August 24, 2018. Heslep appealed. The Court of Appeals notified him that the appeal was subject to dismissal unless he paid the filing fee or obtained indigent status within ten days, but he did neither, so the appeal was dismissed.

DISPOSITION

dismissed

OPINION

Matthew Mark Heslep v. State

PER CURIAM.

WITHDRAWN 4-10-2019

IN THE

TENTH COURT OF APPEALS

No. 10-19-00040-CV

MATTHEW MARK HESLEP,

Appellant v.

THE STATE OF TEXAS,

Appellee From the 19th District Court McLennan County, Texas Trial Court No. 2008-1531-C1

MEMORANDUM OPINION

Appellant, Matthew Mark Heslep, appeals from an “Order to Withdraw Funds” signed by the trial court on August 24, 2018. By letter dated February 22, 2019, the Clerk of this Court notified appellant that the appeal is subject to dismissal because the original filing fee had not been paid and warned appellant that the Court would dismiss the appeal unless, within ten days from the date

of the letter, appellant paid the filing fee or obtained indigent status for the purpose of appeal. Ten days have passed, and appellant has not paid the filing fee for this appeal or obtained indigent status. Accordingly, we hereby dismiss this appeal. See TEX. R. APP. P. 42.3(c).

JOHN E. NEILL

Justice Before Chief Justice Gray, Justice Davis, and Justice Neill Appeal dismissed Opinion delivered and filed March 13, 2019 [CV06] Heslep v. State Page 2