

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Jeana Cobb v. Belle Oaks Apartments

No. 03-25-00667-CV · No. No. 03-25-00667-CV · Decided November 26, 2025

SUMMARY

The Texas Court of Appeals dismissed Jeana Cobb’s appeal for want of prosecution because she failed to pay or arrange payment of the clerk’s record fee and did not respond to the court’s notice. The court noted that Cobb had not established eligibility to proceed without payment of costs under the applicable Texas rules.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Gisela D. Triana; Justice Kelly; Justice Theofanis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	November 26, 2025
DOCKET	No. 03-25-00667-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from the County Court at Law No. 1 of Bell County. The appeal was dismissed after the clerk's record was not filed because appellant failed to pay or arrange payment of the trial clerk's fee and failed to respond to the appellate court's notice.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Jeana Cobb v. Belle Oaks Apartments

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the court of appeals could dismiss the appeal for want of prosecution when the clerk's record was not filed because appellant failed to pay or arrange payment of the clerk's fee and failed to respond

to the court's notice.

HOLDINGS

1. When a trial-court clerk fails to file the clerk's record because an appellant failed to pay or arrange payment of the clerk's fee, the appellate court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs.

FACTUAL BACKGROUND

The clerk's record was not filed because appellant failed to pay or make arrangements to pay the trial clerk's fee for preparing it. Appellant also failed to respond to the appellate court's notice or establish that she was entitled to proceed without payment of costs.

PROCEDURAL HISTORY

The clerk's record was due on October 27, 2025, but was not filed because appellant had not paid or arranged payment of the preparation fee. The appellate court notified appellant on November 13, 2025, directed her to arrange for the record and file a status report by November 24, 2025, and warned that noncompliance could result in dismissal. Appellant did not respond, did not establish entitlement to proceed without payment of costs, and the court dismissed the appeal for want of prosecution.

DISPOSITION

dismissed

OPINION

Jeana Cobb v. Belle Oaks Apartments

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-25-00667-CV

Jeana Cobb, Appellant v. Belle Oaks Apartments, Appellee

FROM THE COUNTY COURT AT LAW NO. 1 OF BELL COUNTY

NO. 25CCV01126, THE HONORABLE PAUL A. MOTZ, JUDGE PRESIDING

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on October 27, 2025. On November 13, 2025, we notified appellant that no clerk's record had been filed due to her failure to pay or make arrangements to pay the trial clerk's fee for preparing the clerk's record. The notice requested that appellant make arrangements for the clerk's record and submit a status report regarding this appeal by November 24, 2025. Further, the notice advised appellant that her failure to comply with this request could result in the dismissal of the appeal for want of prosecution. To date, appellant has not filed a status report or otherwise responded to this Court's notice, and the

clerk's record has not been filed. If a trial-court clerk fails to file the clerk's record due to an appellant's failure to pay or make arrangements to pay for the clerk's fee for preparing the record, the appellate court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs. Tex. R. App. P. 37.3(b). In this case, appellant has not established that she is entitled to proceed without payment of costs. See Tex. R. Civ. P. 145. Because appellant has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution.

Gisela D. Triana, Justice Before Justices
Triana, Kelly, and Theofanis Dismissed for Want of Prosecution Filed: November 26, 2025 2