

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Angel Ramos Hernandez and Bettzy Itzel Ramos Hernandez v. D&D
Plaza, LLC

Ramos Hernandez v. D&D Plaza · No. 13-25-00686-CV · Decided February 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed the appeal for want of prosecution because the appellants failed to pay the required appellate filing fee or respond to the clerk's notices. The court relied on Texas Rules of Appellate Procedure 5 and 42.3(b)-(c), as well as Texas Government Code section 51.207.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Jenny Cron; Justice Silva; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	February 26, 2026
DOCKET	13-25-00686-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed a final judgment from the County Court at Law No. 5 of Hidalgo County. The court of appeals dismissed the appeal after appellants failed to pay the appellate filing fee or respond to the clerk's notices.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Angel Ramos Hernandez, Bettzy Itzel Ramos Hernandez v. D&D Plaza, LLC

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court of appeals could dismiss the appeal for failure to pay the required appellate filing fee and failure to comply with the clerk's notices.

HOLDINGS

1. The court may dismiss an appeal when an appellant fails to comply with an appellate-rule requirement, a court order, or a clerk's notice requiring a response or other action within a specified time; because appellants failed to pay the appellate filing fee or respond to the clerk's notice, the appeal was dismissed for want of prosecution.

KEY QUOTATIONS

“Specifically, this Court has the authority to dismiss an appeal because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.” (2)

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

FACTUAL BACKGROUND

The appeal concerned a final judgment signed by the Hidalgo County Court at Law No. 5. The appellants filed a notice of appeal but did not pay the required \$205 appellate filing fee after receiving two notices from the appellate clerk. They also failed to respond to the clerk's delinquency notice.

PROCEDURAL HISTORY

The trial court signed a final judgment on November 12, 2025, in cause number CL-25-3051-E. Appellants filed a notice of appeal on December 29, 2025. After the clerk requested payment of the \$205 filing fee and later notified appellants that the appeal would be dismissed unless payment was made within ten days, appellants neither paid the fee nor responded.

DISPOSITION

dismissed

CASES CITED

- Smith v. DC Civil Constr., LLC, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.)

OPINION

PER CURIAM.

NUMBER 13-25-00686-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS CORPUS CHRISTI – EDINBURG ANGEL RAMOS HERNANDEZ AND BETTZY ITZEL RAMOS HERNANDEZ, Appellants, v. D&D PLAZA, LLC, Appellee. ON APPEAL FROM THE COUNTY COURT AT LAW NO. 5 OF HIDALGO COUNTY, TEXAS MEMORANDUM OPINION Before Justices Silva, Cron, and Fonseca Memorandum Opinion by Justice Cron On December 29, 2025, appellants Angel Ramos Hernandez and Bettzy Itzel Ramos Hernandez filed a notice of appeal regarding a final judgment signed on November 12, 2025, in trial court cause number CL-25-3051-E in the County Court at Law No. 5 of Hidalgo County, Texas.

On December 30, 2025, the Clerk of the Court requested appellants to pay the \$205.00 filing fee for the notice of appeal within ten days. See TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must pay—at the time an item is presented for filing—whatever fees are required by statute or Supreme Court order.

The appellate court may enforce this rule by any order that is just.”); TEX. GOV’T CODE ANN. § 51.207 (delineating the required fees and costs in an appellate court). On January 14, 2026, the Clerk notified appellants that they were delinquent in submitting the filing fee for the appeal and informed them that the appeal would be dismissed if the filing fee was not paid within ten days from the date of the notice.

See TEX. R. APP. P. 42.3(c). To date, appellants have failed to pay the filing fee for the notice of appeal or otherwise respond to the Clerk’s notice. The Court, having examined and fully considered the foregoing events, is of the opinion that this appeal should be dismissed. Specifically, this Court has the authority to dismiss an appeal because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

See *id.* R. 42.3(b), (c); *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.). Here, appellants have not paid the appellate filing fee. See TEX. R. APP. P. 5; TEX. GOV’T CODE ANN. § 51.207.

Accordingly, we dismiss this appeal for want of prosecution. See TEX. R. APP. P. 42.3(b), (c). JENNY CRON Justice Delivered and filed on the 26th day of February, 2026. 2