

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Melanie Fletcher v. Larry Branch

Fletcher · No. 02-26-00201-CV · Decided June 25, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District dismissed Melanie Fletcher’s appeal for want of prosecution because she failed to pay or make arrangements to pay the clerk’s record fee. The court denied Fletcher’s pending motions and issued the memorandum opinion per curiam.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth; Bonnie Sudderth, C.J.; Kerr, J.; Birdwell, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	June 25, 2026
DOCKET	02-26-00201-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed for want of prosecution because the appellant failed to pay or make arrangements to pay the clerk's fee for the appellate record after receiving notice and an opportunity to cure.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Melanie Fletcher v. Larry Branch

TOPICS

- appellate procedure
- civil procedure
- costs

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the court of appeals could dismiss the appeal for want of prosecution when the appellant failed to pay or make arrangements to pay the clerk's fee and the clerk's record was therefore not filed.
2. Whether Fletcher's asserted tender of a silver surety bond certificate cured the payment requirement.

HOLDINGS

1. When the trial court clerk fails to file the clerk's record because the appellant has failed to pay or make arrangements to pay the clerk's fee, the appellate court may dismiss the appeal for want of prosecution after giving the appellant a reasonable opportunity to cure.
2. The claimed tender of a silver surety bond certificate did not establish payment or cure the defect because there was no indication that the trial court clerk had agreed to accept the certificate as payment, and the clerk reported that the fee remained unpaid.

KEY QUOTATIONS

“When a “trial court clerk fail[s] to file the clerk’s record because the appellant [has] failed to pay or make arrangements to pay the clerk’s fee . . . , the appellate court may—on . . . its own initiative—dismiss the appeal for want of prosecution.”” (2)

“Because Fletcher has not paid for the clerk’s record, we dismiss her appeal for want of prosecution.” (2)

FACTUAL BACKGROUND

The trial court clerk did not file the clerk's record because Melanie Fletcher had not paid the required clerk's fee. Fletcher asserted that she had tendered a silver surety bond certificate, but the record did not show that the clerk had agreed to accept it as payment, and the clerk reported that Fletcher remained unpaid by cash or credit card. After the appellate court gave Fletcher ten days to cure the payment defect, the deadline passed without payment or proof of payment arrangements.

PROCEDURAL HISTORY

Fletcher appealed from the County Court at Law No. 1 of Tarrant County, Texas. The trial court clerk did not file the clerk's record because Fletcher had not paid the clerk's fee. The court of appeals notified Fletcher of the defect and gave her until June 8, 2026, to make payment arrangements and provide proof of payment; after she failed to do so, the court dismissed the appeal and denied her pending motions.

DISPOSITION

dismissed

CASES CITED

- *Lynn v. Ferguson*, No. 02-25-00619-CV, 2026 WL 1365091, at *1 (Tex. App.—Fort Worth May 14, 2026, pet. denied) (per curiam) (mem. op.)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
No. 02-26-00201-CV

MELANIE FLETCHER, Appellant V. LARRY BRANCH, Appellee On Appeal from County Court at Law No. 1 Tarrant County, Texas Trial Court No. 2026-002184-1 Before Sudderth, C.J.; Kerr and Birdwell, JJ. Memorandum Opinion by Chief Justice Sudderth MEMORANDUM OPINION When a “trial court clerk fail[s] to file the clerk’s record because the appellant [has] failed to pay or make arrangements to pay the clerk’s fee..., the appellate court may—on... its own initiative—dismiss the appeal for want of prosecution.”¹ Tex. R. App.

P. 37.3(b). And here, the trial court clerk has not filed the clerk’s record because Fletcher has failed to pay the clerk’s fee. We notified Fletcher of this issue and warned her that we would dismiss her appeal for want of prosecution unless she made payment arrangements for the clerk’s record and provided us with proof of payment within ten days—by June 8, 2026.

See Tex. R. App. P. 37.3(b) (authorizing dismissal for nonpayment but stating that the appellate court “must give the appellant a reasonable opportunity to cure”), 44.3 (providing that court must not dispose of an appeal for formal defects “without allowing a reasonable time to correct” the defects). Fletcher responded by insisting that she had, months earlier, “tendered [to the trial court clerk a] silver surety bond certificate for required tendered payments.” However, there is no indication that the trial court clerk agreed to accept a “silver surety bond certificate” as a form of payment.

To the contrary, the trial court clerk has informed us that she has billed Fletcher and still has not been paid “by cash or credit card.” See *Lynn v. Ferguson*, No. This rule does not apply if “the appellant [i]s entitled to proceed without 1 payment of costs.” Tex. R. App. P. 37.3(b). But there is no indication that Appellant Melanie Fletcher is entitled to proceed without payment of costs.

2 02-25-00619-CV, 2026 WL 1365091, at *1 (Tex. App.—Fort Worth May 14, 2026, pet. denied) (per curiam) (mem. op.) (holding that the appellant had not paid for the clerk’s record when he claimed the clerk “had wrongfully rejected a money order” but the clerk confirmed that the money order was not signed and that the appellant had not provided other valid payment).

And Fletcher’s June 8 deadline for correcting this issue has come and gone. See Tex. R. App. P. 37.3(b), 44.3. Because Fletcher has not paid for the clerk’s record, we dismiss her appeal for want of prosecution. See Tex. R. App. P. 37.3(b), 42.3(b), 43.2(f); *Lynn*, 2026 WL 1365091, at *1. Her pending motions are denied. /s/ Bonnie Sudderth Bonnie Sudderth Chief Justice Delivered: June 25, 2026 3

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