

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.)

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