

**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

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