COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER

Appellate case name: In re Expunction

Appellate case number: 01-17-00021-CV

Trial court case number: 16-DCV-235247

Trial court: 268th District Court of Fort Bend County

The Court's April 4, 2017 Order directed the district clerk to file an indigent clerk's record regarding the pro se appellant L.M.R.'s "Statement of Inability to Afford Payment of Court Costs or an Appeal Bond in Justice Court" ("Statement"). On April 4, 2017, the district clerk filed an indigent clerk's record containing an affidavit stating that, among other things, the district clerk's office did not file any contest to the Statement.

Rule of Appellate Procedure 20.1 provides that a party who files such a Statement in the trial court "is not required to pay costs in the appellate court unless the trial court overruled the party's claim of indigence in an order that complies with Texas Rule of Civil Procedure 145." TEX. R. APP. P. 20.1(b)(1). Because appellant's claim of indigence was uncontested and not overruled by the trial court, appellant is not required to pay costs in this appeal. *See id.*

Although the court reporter's January 27, 2017 info sheet stated that there was no reporter's record taken, the filing fee and the clerk's record fee have not been paid. Thus, the Clerk of this Court is **ORDERED** to deem the appellant indigent and allowed to proceed without advance payment for purposes of the filing and clerk's record fees.

Accordingly, we **ORDER** the district clerk to file the clerk's record, at no cost to appellant, **within 20 days of the date of this Order.** Finally, because appellant is pro se, the district clerk is **ORDERED** to mail a copy of the clerk's record to appellant **within 20 days** of the date of this Order, at no cost to appellant, and shall further certify to this Court the date when delivery is made **within 30 days** of the date of this Order.

It is so ORDERED.

Judge's signature: /s/ Laura Carter Higley

☒ Acting individually ☐ Acting for the Court

Date: April 13, 2017