

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

DAVID VASQUEZ,	§	No. 08-12-00085-CV
	§	
Appellant,	§	Appeal from the
	§	
v.	§	County Court at Law No. 6
	§	
RAMSEY ESPER,	§	of El Paso County, Texas
	§	(TC# 2012-CCV00723)
Appellee.	§	

**MEMORANDUM OPINION**

This appeal is before the Court on its own motion to determine whether the appeal should be dismissed. Although Appellant has timely filed a notice of appeal, he has failed to tender the required filing fee. We therefore dismiss the appeal.

Unless excused by statute or rule, an appellant must pay the required filing fees when filing a notice of appeal. See TEX.R.APP.P. 5 (requiring parties to pay the filing fees at the time an item is presented for filing); see also TEX.R.APP.P. 20.1(c)(requiring that an affidavit of indigence be filed before or with the notice of appeal). Appellant filed his notice of appeal on March 5, 2012, but he did not tender the required \$175 filing fee or submit an affidavit of indigence. By letter dated that very same day, the clerk of this Court instructed Appellant to tender the filing fee within 20 days from the date of the letter and advised him that failure to tender the filing fee could result in dismissal of the appeal. However, Appellant did not respond to this letter. By letter dated April 3, 2012, the clerk again instructed Appellant to tender the filing fee within 20 days and again advised him that failure to do so could result in dismissal of the appeal.

Appellant did not respond to this letter.

This Court has the authority to dismiss an appeal if an appellant fails to comply with the appellate rules or a notice from the clerk requiring a response or other action within a specified time. TEX.R.APP.P. 42.3(c). Although twice instructed to tender the filing fee and twice warned that failure to do so could result in dismissal of the appeal, Appellant has failed to tender the filing fee and to respond to the clerk's letters. Accordingly, we dismiss the appeal.

May 23, 2012

CHRISTOPHER ANTCLIFF, Justice

Before McClure, C.J., Rivera, and Antcliff, JJ.