

Opinion issued August 9, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00139-CV

ANTHONY BROWN, Appellant

V.

**ALLIED WASTE SERVICES, INC. aka ALLIED WASTE INDUSTRIES,
INC., Appellee**

**On Appeal from the 215th District Court
Harris County, Texas
Trial Court Cause No. 2010-34004**

MEMORANDUM OPINION

Appellant, Anthony Brown, has neither paid the required filing fee for this appeal nor established indigence for purposes of appellate costs. *See* TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must

pay—at the time an item is presented for filing—whatever fees are required by statute or Supreme Court order.”), 20.1 (listing requirements for establishing indigence); *see also* TEX. GOV’T CODE ANN. § 51.207 (Vernon Supp. 2011), § 51.941(a) (Vernon 2005), § 101.041 (Vernon Supp. 2011) (listing fees in court of appeals); Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Tex. Aug. 28, 2007), *reprinted in* TEX. R. APP. P. app. A § B(1) (listing fees in court of appeals). The filing fee was due on February 27, 2012. After being notified that this appeal was subject to dismissal for failure to pay the filing fee, appellant did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case).

We dismiss the appeal for failure to pay the filing fee. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Jennings and Keyes.