

Opinion issued September 20, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00669-CV

DAVID MARTIN HAYNES, Appellant

V.

**ATTORNEY GENERAL OF TEXAS o/b/o SETHA RENE STEVENS,
Appellee**

**On Appeal from the 300th District Court
Brazoria County, Texas
Trial Court Cause No. 65680**

MEMORANDUM OPINION

Appellant, David Martin Haynes, 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). Appellant was notified on July 26, 2012 that this appeal was subject to dismissal if he did not pay the fee by August 6, 2012. After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case). Appellant was again notified on August 10, 2012 that this appeal was subject to dismissal if he did not pay the fee by August 20, 2012. After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 5; 42.3(c).

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

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Brown.