

Opinion issued October 11, 2012



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-12-00740-CV

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**ALBERT LUJAN D/B/A TEXAS WHOLESALE FLOWER COMPANY,**  
**Appellant**  
**V.**  
**NAVISTAR FINANCIAL CORPORATION, Appellee**

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**On Appeal from the 80th District Court**  
**Harris County, Texas**  
**Trial Court Cause No. 2011-35191**

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**MEMORANDUM OPINION**

Appellant, Albert Lujan d/b/a Texas Wholesale Flower Company, 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). On August 16, 2012, appellant was notified that this appeal was subject to dismissal if the filing fee was not paid by August 27, 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 30, 2012 that the appeal was subject to dismissal for failure to pay the filing fee. After being notified a second time 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.