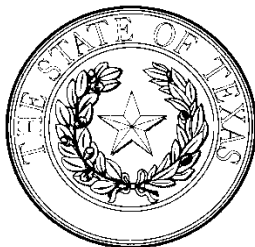


Opinion issued November 29, 2012



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

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NO. 01-12-00880-CV

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**RICHARD A. MONTES, Appellant**

**V.**

**SOPHIA MONTES, Appellee**

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**On Appeal from the 246th District Court  
Harris County, Texas  
Trial Court Cause No. 2012-22151**

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**MEMORANDUM OPINION**

Appellant, Richard A. Montes, 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 October 3, 2012, appellant was notified that this appeal was subject to dismissal if the filing fee was not paid within 10 days of the date of the notice. 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). On October 17, 2012, appellant was again notified that this appeal was subject to dismissal if the filing fee was not paid by October 29, 2012. 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.

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 Bland and Huddle.