

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-08-00471-CV

Andres **RAMOS**,  
Appellant and Cross-Appellee

v.

Lucy **AMAYA**,  
Appellee and Cross-Appellant

From the County Court, Maverick County, Texas  
Trial Court No. 2654  
Honorable Jose A. Aranda, Jr., Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice  
Catherine Stone, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: December 10, 2008

DISMISSED

Andres Ramos and Lucy Amaya each filed notices of appeal from the judgment of the County Court of Maverick County. However, Amaya failed to pay the required filing fee. The clerk of this court notified Amaya by letter that her notice of appeal was conditionally filed and the \$175.00 filing fee was due. *See Garza v. Garcia*, 137 S.W.3d 36, 37-38 (Tex. 2004).

Amaya did not pay the filing fee nor did she file her cross-appellant's brief. On October 21, 2008, the court ordered that Amaya must, within ten days, (1) either pay the filing fee or provide

proof that she is indigent or otherwise excused by statute or the Texas Rules of Appellate Procedure from paying the fee and (2) file her cross-appellant's brief and a written explanation for her failure to timely file a brief. We advised Amaya that if she failed to respond satisfactorily by the date ordered, her appeal would be dismissed. *See* TEX. R. APP. P. 5, 38.8(a), 42.3. Amaya has not paid the filing fee, filed a brief, or responded in any manner to the court's October 21 order. We therefore **order** Lucy Amaya's cross-appeal dismissed.

Ramos has filed a conditional motion to dismiss his appeal, stating his desire to dismiss his appeal if Amaya's appeal were not pursued. Because we are dismissing Amaya's appeal, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1).

PER CURIAM