



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-09-245-CV

BARRY SCOTT MCBRIDE

APPELLANT

V.

RHINOLININGS OF DENTON

APPELLEE

FROM COUNTY COURT AT LAW NO. 2 OF DENTON COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

On September 2, 2009 and September 22, 2009, we notified appellant, in accordance with rule of appellate procedure 42.3(c), that we would dismiss this appeal unless the \$175 filing fee was paid. *See* Tex. R. App. P. 42.3(c). Appellant has not paid the \$175 filing fee. *See* Tex. R. App. P. 5, 12.1(b).

¹ [See](#) Tex. R. App. P. 47.4.

Because appellant has failed to comply with a requirement of the rules of appellate procedure and the Texas Supreme Court's order of August 28, 2007,² we dismiss the appeal. *See* Tex. R. App. P. 42.3(c), 43.2(f).

Appellant shall pay all costs of this appeal, for which let execution issue. *See* Tex. R. App. P. 43.4.

PER CURIAM

PANEL: MCCOY, J.; CAYCE, C.J.; and MEIER, J.

DELIVERED: October 15, 2009

²[☒](#) *See* Supreme Court of Tex., *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 (Aug. 28, 2007) (listing fees in courts of appeals).