



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

NO. 2-09-261-CV

CLIFTON CHOYCE

APPELLANT

V.

ALICE MARIE CUELLAR

APPELLEE

FROM THE 325TH DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

On August 24, 2009 and August 31, 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, and he has not responded to these letters. 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: LIVINGSTON, DAUPHINOT, and GARDNER, JJ.

DELIVERED: November 5, 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).