



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

**NO. 2-09-328-CV**

KEITH DAVIS

APPELLANT

V.

FIA CARD SERVICES N.A.

APPELLEE

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FROM COUNTY COURT AT LAW NO. 3 OF TARRANT COUNTY

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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**

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On September 22, 2009 and October 7, 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).

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<sup>1</sup> [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,<sup>2</sup> 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: MEIER, J.; CAYCE, C.J.; and LIVINGSTON, J.

DELIVERED: October 29, 2009

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<sup>2</sup>[☒](#) *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).