

NO. 07-07-0018-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
FEBRUARY 16, 2007

IN RE R. WAYNE JOHNSON, RELATOR

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Relator R. Wayne Johnson, an inmate proceeding *pro se*, filed a *Petition for Writ of Mandamus* on January 16, 2007. The petition was not accompanied by the required filing fee nor an affidavit of indigence. Consequently, by letter dated January 19, 2007, this Court directed Relator to either pay the fee or file an affidavit of indigence in compliance with Rule 20.1(b) of the Texas Rules of Appellate Procedure on or before January 31, 2007, noting that failure to do so might result in dismissal. Relator did not cure the defect after being allowed a reasonable time to do so. See *Higgins v. Randall County Sheriff's Office*, 193 S.W.3d 898, 899 (Tex. 2006). Thus, we must dismiss this proceeding.

Accordingly, Relator's *Petition for Writ of Mandamus* is dismissed for failure to comply with a directive of this Court. See Tex. R. App. P. 42.3(c).

Patrick A. Pirtle
Justice