

NO. 07-09-0109-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
JUNE 5, 2009

DOUGLAS RUBINS, APPELLANT

V.

TEXAS WORKFORCE COMMISSION, TOM PAUKEN,
AND L.A. FULLER & SONS CONST., CO., APPELLEES

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 96,974-E; HONORABLE DOUGLAS WOODBURN, JUDGE

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Appellant, Douglas Rubins, proceeding pro se, filed this appeal from the trial court's order dismissing, with prejudice, his case against Appellees, Texas Workforce Commission, Tom Pauken, and L.A. Fuller & Sons Const., Co. By letter from this Court dated April 14, 2009, Rubins was notified that among other items, a filing fee of \$175 was

due within ten days. In response, Rubins filed a motion for extension of time in which to pay the filing fee or, in lieu thereof, file an affidavit of indigence. The motion was granted to May 25, 2009,¹ with a detailed explanation of the procedures and deadlines for either filing an affidavit of indigence or paying the filing fee. See Tex. R. App. P. 10.5(b), 20.1(c)(1) & (3). Rubins was also admonished that failure to either pay the required filing fee of \$175 or file a compliant affidavit of indigence accompanied by a motion for extension of time might result in dismissal of this appeal. Tex. R. App. P. 42.3(c). Rubins did not respond to this Court's notice. Neither did he pay the required filing fee or file an affidavit of indigence.

In response to a motion for extension of time in which to file the clerk's record for nonpayment, this Court abated the request pending Rubins's compliance with the Court's directive. Rubins's failure to comply with the Court's directive renders the clerk's request for an extension of time moot.

Accordingly, the appeal is dismissed for failure to comply with an order of this Court. Tex. R. App. P. 42.3(c).

Patrick A. Pirtle
Justice

¹The deadline was extended to Tuesday, May 26, 2009, due to the holiday. See Tex. R. App. P. 4.1(a)