



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-13-00118-CV

ENRIQUE CARNERO, APPELLANT

V.

BILLY JOE WARD, APPELLEE

On Appeal from the 251st District Court
Potter County, Texas
Trial Court No. 99,785-C, Honorable Ana Estevez, Presiding

July 19, 2013

MEMORANDUM OPINION

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

Enrique Carnero, appearing *pro se*, has filed a notice of appeal challenging the judgment of the trial court in his lawsuit.

By letter of May 23, 2013, we notified Carnero of two matters pertaining to his appeal requiring immediate attention. First, the filing fee was unpaid. Second, Carnero's notice of appeal was untimely although filed within the fifteen-day extension period authorized by appellate rule 26.3. Tex. R. App. P. 26.3. We granted Carnero ten days, on peril of dismissal, to pay the filing fee or file an affidavit of indigence and to file

a written explanation of the need for additional time to file his notice of appeal. See Tex. R. App. P. 5, 26.3, 42.3(a) and (c); *Kidd v. Paxton*, 1 S.W.3d 309 (Tex.App.—Amarillo, 1999, pet. denied).

Carnero did not pay the filing fee or file an affidavit of indigence nor did he file a writing explaining the need for additional time to file his notice of appeal.

Accordingly, the appeal of Carnero is dismissed. See Tex. R. App. P. 5, 42.3(a) and (c).

James T. Campbell
Justice