



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

No. 07-13-00263-CV

BYRON MORGAN, APPELLANT

V.

D&S MOBILE HOME CENTER, INC. AND SHAWN FULLER, APPELLEES

On Appeal from the 99th District Court
Lubbock County, Texas
Trial Court No. 2012-503,563, Honorable William C. Sowder, Presiding

September 6, 2013

MEMORANDUM OPINION

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

Appellant Byron Morgan filed a notice of appeal on August 7, 2013, but failed to pay the \$175 filing fee required under Texas Rule of Appellate Procedure 5. We informed appellant, by letter dated August 8, 2013, that the filing fee was outstanding and that the appeal would be dismissed unless it was paid within ten days from the August 8th letter. TEX. R. APP. P. 42.3(c); see *Holt v. F.F. Enterprises*, 990 S.W.2d 756 (Tex. App.–Amarillo 1998, pet. ref'd). The fee has not been paid to date. Nor does the record show him to be indigent or having requested leave to proceed as an indigent.

Because appellant has failed to pay the requisite filing fee as directed by the court, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam