



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

No. 07-15-00129-CV

QUINN LUNDGREN EAKER, APPELLANT

V.

DISCOVER BANK, APPELLEE

**On Appeal from the 352nd District Court
Tarrant County, Texas
Trial Court No. 352-272010-14; Honorable Mark T. Pittman, Presiding**

April 9, 2015

MEMORANDUM OPINION

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

Appellant, Quinn Lundgren Eaker, filed this appeal from the trial court's order granting Discover Bank's motion to dismiss. By letter dated March 18, 2015, the Clerk of the Second Court of Appeals¹ advised Eaker that a filing fee of \$195 was overdue

¹ After the letter was issued, this appeal was transferred from the Second Court of Appeals to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. TEX. GOV'T CODE ANN. § 73.001 (West 2005). We are unaware of any conflict between precedent of the Second Court of Appeals and that of this Court on payment of the required filing fee. TEX. R. APP. P. 41.3.

and noted that failure to submit payment on or before March 30, 2015, would subject the appeal to dismissal pursuant to Rule 42.3(c) of the Texas Rules of Appellate Procedure.

An inquiry from the Clerk of this Court to the Clerk of the Second Court of Appeals revealed that Appellant has not responded, paid the filing fee, nor made other arrangements for the discharge of the clerk's filing fee. See TEX. R. APP. P. 12.1(b). Unless a party is excused from paying a filing fee, the Clerk of this Court is required to collect filing fees set by statute or the Texas Supreme Court when an item is presented for filing. See *id.* at 5, 12.1(b). Although the filing of a proper notice of appeal invokes an appellate court's jurisdiction, if a party fails to follow the prescribed rules of appellate procedure, the appeal may be dismissed. *Id.* at 25.1(b).

Accordingly, this appeal is dismissed for failure to comply with a directive from an appellate court requiring action within a specified time. *Id.* at 42.3(c).

Per Curiam