In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-21-00095-CV

BENJAMIN DAVID, APPELLANT

V.

BENI-LISA LOCKWOOD, APPELLEE

On Appeal from the 433rd District Court
Comal County, Texas
Trial Court No. C2020-0103D, Honorable Charles A. Stephens II, Presiding

June 1, 2021

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ.

Appellant, Benjamin David, appeals from a final divorce decree.[1] We dismiss the appeal because David has not paid the filing fee and for want of jurisdiction.

David failed to pay the required filing fee upon filing his notice of appeal. By letter of May 5, 2021, we notified David that unless he was excused from paying court costs

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[1] Because this appeal was transferred from the Third Court of Appeals, we are obligated to apply its precedent when available in the event of a conflict between the precedents of that court and this Court. See TEX. R. APP. P. 41.3.

under Rule of Appellate Procedure 20.1, failure to pay the filing fee by May 17 would result in dismissal of the appeal. To date, David has not paid the filing fee or sought leave to proceed without payment of court costs.   We, therefore, dismiss the appeal due to David's failure to comply with a requirement of the appellate rules and a notice from the clerk requiring action within a specified time. *See* TEX. R. APP. P. 42.3(c).

Additionally, David filed his notice of appeal untimely. The trial court signed the divorce decree on December 17, 2020. Because David timely filed a motion for new trial, his notice of appeal was due within ninety days after the order was signed, by March 17, 2021. *See* TEX. R. APP. P. 26.1(a). He filed a notice of appeal on April 19, 2021. By letter of May 7, 2021, we notified David that his notice of appeal appeared untimely and directed him to file a response by May 17 showing grounds for continuing the appeal. David has not filed a response to date.   Accordingly, we also dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

For these reasons, the appeal is dismissed.

Per Curiam