



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00384-CV

DIANA L. AMBRIATI,

Appellant

v.

FIRST FIRE & SAFETY EQUIPMENT, INC.,

Appellee

**From the 414th District Court
McLennan County, Texas
Trial Court No. 2008-1435-5**

MEMORANDUM OPINION

The Clerk of this Court has twice notified Appellant Jeremy Ambriati¹ that he must pay the filing fee in this appeal or establish indigent status. Most recently, the Clerk notified Ambriati that, if the filing was not paid within ten days, the appeal would be presented to the Court for dismissal. Ambriati has not paid the filing fee or otherwise responded to this notice. Appellee has filed a motion to dismiss the appeal.

¹ According to the notice of appeal, Jeremy Ambriati is pursuing this appeal on behalf of his mother Diana L. Ambriati who is deceased. See TEX. R. APP. P. 7.1(a)(1); TEX. R. CIV. P. 151. Although Diana apparently died before judgment, it does not appear that Jeremy filed a suggestion of death as required by Rule 151. Thus, we retain the style of the case as originally docketed in the trial court, consistent with documentation received from the district clerk.

The motion to dismiss is granted, and the appeal is dismissed. *See* TEX. R. APP. P.

42.3(c).

FELIPE REYNA
Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
Appeal dismissed
Opinion delivered and filed March 31, 2010
[CV06]