



NUMBER 13-13-00442-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**YORK, WHITMAN AND ASSOCIATES, LLC
D/B/A YORK, WHITMAN AND ASSOCIATES,**

Appellant,

v.

XO PRODUCE, INC.,

Appellee.

**On appeal from the County Court at Law No. 1
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam**

Appellant, York, Whitman and Associates, LLC d/b/a York, Whitman and Associates, appealed a judgment entered by the County Court at Law No. 1 of Hidalgo County, Texas. On August 14, 2013, the Clerk of this Court notified appellant that the notice of appeal failed to comply with Texas Rule of Appellate Procedure 9.5(e) and

25.1(d)(2). See TEX. R. APP. P. 9.5(e), 25.1(d)(2). The Clerk directed appellant to file an amended notice of appeal with the district clerk's office within 30 days from the date of that notice. To date, the defect has not been corrected.

On September 10, 2013, the Clerk of this Court notified appellant that it was delinquent in remitting a \$175.00 filing fee. Appellant was notified that the appeal was subject to dismissal if the filing fee was not paid within ten days from the date of receipt of the notice. See *id.* 42.3(b),(c).

The Court, having considered the documents on file and appellant's failure to pay the filing fee, is of the opinion that the appeal should be dismissed. See *id.* 42.3(b),(c). Accordingly, the appeal is DISMISSED for want of prosecution.

PER CURIAM

Delivered and filed the 17th
day of October, 2013.