

NO. 12-09-00168-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

**MARK AND LAURIE NIELSEN,
APPELLANTS**

§ **APPEAL FROM THE 145TH**

V.

§ **JUDICIAL DISTRICT COURT OF**

**SI AUDIO & VIDEO DESIGN GROUP, INC.
AND SOUND IMAGE AUDIO &
VIDEO DESIGN GROUP, LTD.,
APPELLEES**

§ **NACOGDOCHES COUNTY, TEXAS**

**MEMORANDUM OPINION
PER CURIAM**

This appeal is being dismissed for Appellants' failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3.

Appellants' docketing statement was due to have been filed at the time the appeal was perfected, i.e., June 8, 2009. *See* TEX. R. APP. P. 32.1. On June 8, 2009, this court notified Appellants that they should file a docketing statement immediately if they had not already done so. However, Appellants failed to file a docketing statement.

On July 2, 2009, this court issued a second notice advising Appellants that the docketing statement was past due and giving them until July 13, 2009 to comply with Rule 32.1. The notice further provided that failure to comply with this second notice would result in the appeal being presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The deadline for filing the docketing statement under this second notice has now passed, and Appellants have not filed the docketing statement as required by Rule 32.1 and the court's notices.

Because Appellants have failed, after notice, to comply with Rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered July 24, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)