

**NO. 12-09-00196-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***ABDOULIE SARR,  
APPELLANT***

§ ***APPEAL FROM THE 241ST***

***V.***

§ ***JUDICIAL DISTRICT COURT OF***

***BANK OF AMERICA,  
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to Rule 32.1, Appellant's docketing statement was due to have been filed at the time the appeal was perfected, i.e., June 26, 2009. *See* TEX. R. APP. P. 32.1. On June 26, 2009, this court notified Appellant that he should file a docketing statement immediately if he had not already done so. On the same date, by separate letter, this court notified Appellant that the filing fee was due on or before July 6, 2009.

Because Appellant did not file the docketing statement as requested in our June 26, 2009 letter, this court issued a second notice on July 7, 2009 advising Appellant that the docketing statement was past due. The notice also advised Appellant that the filing fee in the appeal was due to have been paid on or before July 6, 2009, but had not been received. *See* TEX. R. APP. P. 5. The notice further provided that unless the docketing statement and filing fee were filed on or before July 17, 2009, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement and the filing fee have passed, and Appellant has not complied with the court's request. Because Appellant has failed, after notice, to comply with Rules 5 and 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)