

**NO. 12-09-00230-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***DION RUDKIN,  
APPELLANT***

***§ APPEAL FROM THE 188TH***

***V.***

***§ JUDICIAL DISTRICT COURT OF***

***GOOD SHEPHERD  
MEDICAL CENTER, INC.,  
APPELLEE***

***§ GREGG COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed because Appellant has failed, after notice, to pay or make arrangements to pay the district clerk's fee for preparing the clerk's record. Appellant appeals from a judgment signed on April 29, 2009. On August 28, 2009, this court notified the district clerk and the court reporter that their respective records were due to have been filed by August 27, 2009, but had not yet been filed. They were further informed that the court had extended the time to file their records or request an extension until September 28, 2009. The district clerk responded that Appellant had not paid the required preparation fee.

On October 1, 2009, this court notified Appellant that the district clerk's correspondence to this court stated that the reason for the delay in filing the clerk's record was Appellant's nonpayment of the required preparation fee. Appellant was further informed that, pursuant to Texas Rules of Appellate Procedure 37.3(b) and 42.3(c), the appeal would be dismissed unless proof of full payment to the district clerk was provided on or before October 12, 2009.

Appellant has neither provided proof of full payment or otherwise responded to this court's notice. Accordingly, the appeal is *dismissed*. See TEX. R. APP. P. 37.3(b), 42.3(c).

Opinion delivered October 21, 2009.

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

(PUBLISH)