

NO. 12-09-00252-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JOHN M. STAFFORD,
APPELLANT

§ *APPEAL FROM THE 4TH*

V.

§ *JUDICIAL DISTRICT COURT OF*

H & T EXPLORATION,
APPELLEE

§ *RUSK COUNTY, TEXAS*

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.

On August 27, 2009, this court notified Appellant that the filing fee was due to have been paid on or before August 21, 2009. *See* TEX. R. APP. P. 5. The notice further provided that unless the filing fee was paid on or before September 8, 2009, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. However, Appellant did not pay the filing fee.

On October 30, 2009, this court requested that Appellant remit the filing fee on or before November 9, 2009. The date for remitting the filing fee has passed, and Appellant has not complied with the court's request. Because Appellant has failed, after notice, to comply with rule 5, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered December 16, 2009.

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

(PUBLISH)