

**NO. 12-09-00384-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***GUILLERMO GALINDEZ,  
APPELLANT***

***§ APPEAL FROM THE***

***V.***

***§ COUNTY COURT AT LAW OF***

***JERALD HAIRFORD AND RICHARD  
FOSTER, INDIVIDUALLY AND AS  
PARTNERS OF ISIS  
REAL ESTATE SERVICES; ISIS  
INVESTIGATIONS, INC., AND  
TIM LEE, APPELLEES***

***§ 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, the docketing statement was due to have been filed at the time the appeal was perfected, i.e., October 14, 2009. *See* TEX. R. APP. P. 32.1. On November 13, 2009, this court notified Appellant, Guillermo Galindez, 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 Galindez that the filing fee was due on or before November 23, 2009.

Because Galindez did not file the docketing statement as requested in our November 13, 2009 letter, this court issued a second notice on December 4, 2009 advising Galindez that the docketing statement was past due. The notice also advised Galindez that the filing fee in the appeal was due to have been paid on or before November 23, 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 December 14, 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 Galindez has not complied with the court's request or otherwise responded to the court's notices. Because Galindez 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 December 16, 2009.

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

(PUBLISH)