

NO. 12-10-00015-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

HAROLD COPE,
APPELLANT

§ *APPEAL FROM THE THIRD*

V.

§ *DISTRICT COURT OF*

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE CORRECTIONAL
INSTITUTIONAL DIVISION,
APPELLEE

§ *HOUSTON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed because Appellant has failed, after notice, to pay or make arrangements to pay the trial court clerk's fee for preparing the clerk's record. Appellant appeals from a final order signed on January 4, 2010. The clerk's record was due to have been filed on or before March 5, 2010. When it was not filed, this court notified the clerk that the record was past due and extended the time for filing until April 5, 2010. The trial court clerk responded in writing that the clerk's record had not been filed because Appellant had not paid the fee for preparation of the record and had made no claim of indigence. On March 17, 2010, this court informed Appellant that the clerk's request for an extension of time to file the record stated that the reason for the delay in filing was due to 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 clerk was provided on or before March 29, 2010.

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 April 7, 2010.

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

(PUBLISH)