

**NO. 12-10-00046-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*SIX THOUSAND AND NO/100THS  
DOLLARS IN US CURRENCY (\$6,000.00),  
APPELLANT*

§ *APPEAL FROM THE 145TH*

*V.*

§ *JUDICIAL DISTRICT COURT OF*

*THE STATE OF TEXAS,  
APPELLEE*

§ *NACOGDOCHES COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed because Appellant, Henry Lamont Caldwell, has failed 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., December 31, 2008. *See* TEX. R. APP. P. 32.1. On February 17, 2010, this court notified Appellant that he should file a docketing statement immediately if he had not already done so.<sup>1</sup> On the same date, by separate letter, this court notified Caldwell that the filing fee was due on or before March 1, 2010.

Because Appellant did not file the docketing statement as requested in our February 17, 2010 letter, this court issued a second notice on March 5, 2010 advising Caldwell that the docketing statement was past due. The notice also advised Caldwell that the filing fee in the appeal was due to have been paid on or before March 1, 2010, 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 March 15, 2010, 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

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<sup>1</sup> Appellant filed his notice of appeal in the trial court on December 31, 2008. This court did not receive the notice of appeal until February 17, 2010.

Caldwell has not complied with the court's request. Because Caldwell 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 March 24, 2010.

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

(PUBLISH)