

NO. 12-10-00327-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN THE ESTATE OF LOY J. GILBERT*                    § *APPEAL FROM THE*  
                                                                         § *COUNTY COURT AT LAW NO. 3*  
                                                                         § *OF SMITH COUNTY, TEXAS*

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*MEMORANDUM OPINION*  
*PER CURIAM*

This appeal is being dismissed because Appellant, Randal Gilbert, has failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to rule 32.1, Gilbert's docketing statement was due to have been filed at the time the appeal was perfected, i.e., October 5, 2010. *See* TEX. R. APP. P. 32.1. On October 5, 2010, this court notified Gilbert that he should file a docketing statement immediately if he had not already done so.

Because Gilbert did not file the docketing statement as requested in the October 5, 2010 letter, this court issued a second notice on October 19, 2010, advising Gilbert that the docketing statement was past due. The notice further provided that unless the docketing statement was filed on or before October 29, 2010, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The October 29 deadline has passed, and Gilbert has not complied with the court's request. Because Gilbert has failed, after notice, to comply with rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered November 3, 2010.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)