

NO. 12-10-00442-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

**MYCAL A. POOLE,
APPELLANT**

§

APPEAL FROM THE 349TH

V.

§

JUDICIAL DISTRICT COURT

**TODD K. FUNAI,
APPELLEE**

§

ANDERSON COUNTY, TEXAS

**MEMORANDUM OPINION
PER CURIAM**

This pro se *in forma pauperis* appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c). The judgment in this case was signed on December 7, 2010. Appellant timely filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On January 3, 2011, Appellant was notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with rules 9.5 and 25.1(e). He was further notified that unless he filed an amended notice of appeal on or before February 2, 2011, the appeal would be referred to the court for dismissal. See TEX. R. APP. P. 42.3(c). The deadline for filing an amended notice of appeal has passed, and Appellant has not corrected his defective notice of appeal. Accordingly, the appeal is *dismissed* for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c); *Feist v. Berg*, No. 12-04-00004-CV, 2004 WL 252785, at *1 (Tex. App.–Tyler Feb. 11, 2004, pet. denied); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.–Tyler Feb. 11, 2004, pet. denied).

Opinion delivered February 16, 2011.

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

(PUBLISH)