

NO. 12-11-00042-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
RICKY L. GILMORE, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

This original mandamus proceeding is being dismissed because Relator has failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. On January 31, 2011, this court sent a written request that Relator remit the filing fee on or before February 10, 2011. *See* TEX. R. APP. P. 5. However, Relator did not remit the filing fee. On March 9, 2011, the court sent a second notice informing Relator that the filing fee had not been paid as requested. Relator was further notified that the original proceeding would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3 unless the filing fee was received on or before March 21, 2011. *See* TEX. R. APP. P. 5. The March 21 deadline has passed, and Relator has not complied with the court's request. Because Relator has failed, after notice, to pay the filing fee in compliance with rule 5, the original proceeding is ***dismissed***. *See* TEX. R. APP. P. 42.3(c). All pending motions are overruled as moot.

Opinion delivered March 31, 2011.

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

(PUBLISH)