

**NO. 12-11-00372-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IWS GAS AND SUPPLY OF TEXAS, LTD., § APPEAL FROM THE 7TH*  
*SHAWN TINDALL, MICHAEL GEORGE*  
*AND JOHN ROGSTAD,*  
*APPELLANTS*

*V. § JUDICIAL DISTRICT COURT*

*MATHESON TRI-GAS, INC.,*  
*APPELLEE § SMITH COUNTY, TEXAS*

---

---

***MEMORANDUM OPINION***  
***PER CURIAM***

This appeal is being dismissed because Appellants have failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to Rule 32.1, Appellants' docketing statement was due to have been filed at the time the appeal was perfected, i.e., November 18, 2011. *See* TEX. R. APP. P. 32.1. Because Appellants did not file their docketing statement at that time, this court requested by letter dated November 21, 2011, that they file their docketing statement within ten days if they had not already done so. Appellants did not file the docketing statement as requested.

In a second notice dated December 6, 2011, the court advised Appellants that the docketing statement had not been filed. The notice further provided that unless the docketing statement was filed on or before December 16, 2011, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. *See* TEX. R. APP. P. 32.1. The December 16 deadline has passed, and Appellants have not complied with the court's request. Because Appellants have failed, after notice, to comply with Rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered December 21, 2011.

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

(PUBLISH)