

NO. 12-13-00020-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

<i>ALFRED LEE STONE,</i> <i>APPELLANT</i>	§	<i>APPEAL FROM THE 349TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>WARDEN DAVID BELL,</i> <i>APPELLEE,</i>	§	<i>HOUSTON COUNTY, TEXAS</i>

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed because Appellant 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., January 11, 2013. *See* TEX. R. APP. P. 32.1. Because Appellant did not file his docketing statement at that time, this court requested by letter dated January 18, 2013, that he file his docketing statement within ten days if he had not already done so. Appellant did not file the docketing statement as requested.

On February 1, 2013, the court notified Appellant that the appeal would be dismissed on or before February 11, 2013, unless he filed the required docketing statement. *See* TEX. R. APP. P. 32.1. The February 11, 2013 deadline has passed, and Appellant has not complied with the court's request. Because Appellant has failed, after notice, to comply with Rule 32.1, the appeal is ***dismissed***. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered February 21, 2013.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

FEBRUARY 21, 2013

NO. 12-13-00020-CV

ALFRED LEE STONE,

Appellant

V.

WARDEN DAVID BALL,

Appellee

Appeal from the 349th Judicial District Court
of Houston County, Texas. (Tr.Ct.No. 12-0180)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By per curiam opinion.

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