

NO. 12-13-00263-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***RICHARD JAMES JOHNSON,
APPELLANT***

§ ***APPEAL FROM THE 159TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***JUDGE GERALD A. GOODWIN, ET AL,
APPELLEES***

§ ***ANGELINA 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 August 6, 2013. 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 August 22, 2013, 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 September 23, 2013, 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.

Additionally, pursuant to Rule 32.1, Appellant's docketing statement was due to have been filed at the time the appeal was perfected, i.e., August 22, 2013. *See* TEX. R. APP. P. 32.1. On August 22, 2013, this court sent a notice informing Appellant that he should file a docketing statement within ten days if he had not already done so. Appellant did not file the docketing statement. Accordingly, on September 12, 2013, this court issued another notice advising Appellant that the docketing statement was past due. The notice further provided that unless the

docketing statement was filed on or before September 23, 2013, the appeal would be presented for dismissal in accordance with Rule 42.3. The time for filing the docketing statement has expired, and Appellant has not complied with the court's request.

Because Appellant has failed to comply with Texas Rules of Appellate Procedure 9.5, 25.1(e), and 32.1, the appeal is *dismissed*. 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) (mem. op.); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied) (mem. op.).

Opinion delivered September 30, 2013.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 30, 2013

NO. 12-13-00263-CV

RICHARD JAMES JOHNSON,
Appellant
V.
JUDGE GERALD A. GOODWIN, ET AL,
Appellees

Appeal from the 159th District Court
of Angelina County, Texas (Tr.Ct.No. CV-43285-10-07)

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** for failure to comply with Texas Rules of Appellate Procedure 9.5, 25.1(e), and 32.1; 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.