

NO. 12-13-00317-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE MATTER OF THE</i>	§	<i>APPEAL FROM THE 294TH</i>
<i>MARRIAGE OF BARBARA</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>ELLEN PIERCE AND</i>	§	
<i>VERNON KEITH PIERCE</i>	§	<i>VAN ZANDT COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for failure 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., October 10, 2013. *See* TEX. R. APP. P. 32.1. On October 21, 2013, this court sent a notice informing Appellant that she should file a docketing statement within ten days if she had not already done so. On the same date, this court sent Appellant a notice requesting that she pay the filing fee on or before October 31, 2013.

Appellant did not file the docketing statement or pay the filing fee. Accordingly, on November 4, 2013, this court issued another notice advising Appellant that the docketing statement was past due. The notice also advised Appellant that the filing fee was due to have been paid on or before October 31, 2013, but had not been received. *See* TEX. R. APP. P. 5 (requiring payment of filing fee at time an item is presented for filing). The notice further provided that unless the docketing statement was filed and the filing fee received on or before November 14, 2013, the appeal would be presented for dismissal in accordance with Rule 42.3. The time for filing the docketing statement and paying the filing fee has expired, and Appellant

has not complied with the court's request. Because Appellant has failed to comply with Texas Rules of Appellate Procedure 5 and 32.1, the appeal is *dismissed*. See TEX. R. APP. P. 42.3(c).

Opinion delivered November 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

NOVEMBER 21, 2013

NO. 12-13-00317-CV

**IN THE MATTER OF THE MARRIAGE OF BARBARA ELLEN PIERCE
AND VERNON KEITH PIERCE,**

Appeal from the 294th District Court
of Van Zandt County, Texas (Tr.Ct.No. 12-00472)

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.

THE STATE OF TEXAS M A N D A T E

TO THE 294TH DISTRICT COURT OF VAN ZANDT COUNTY, GREETING:

Before our Court of Appeals for the 12th Court of Appeals District of Texas, on the 21st day of November, 2013, the cause upon appeal to revise or reverse your judgment between

**IN THE MATTER OF THE MARRIAGE OF BARBARA ELLEN PIERCE
AND VERNON KEITH PIERCE**

NO. 12-13-00317-CV; Trial Court No. 12-00472

By *per curiam* opinion.

was determined; and therein our said Court made its order in these words:

“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.”

WHEREAS, WE COMMAND YOU to observe the order of our said Court of Appeals for the Twelfth Court of Appeals District of Texas in this behalf, and in all things have it duly recognized, obeyed, and executed.

WITNESS, THE HONORABLE JAMES T. WORTHEN, Chief Justice of our Court of Appeals for the Twelfth Court of Appeals District, with the Seal thereof affixed, at the City of Tyler, this the xx day of November, 2013.



CATHY S. LUSK, CLERK

By: *Katrina McClenny*
Chief Deputy Clerk