

**NO. 12-16-00298-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*DAVID ALLEN RUSSELL,  
APPELLANT*

§ *APPEAL FROM THE 3RD*

*V.*

*PNOSO RAYFORD, A. KING, NINA  
TANNER, RUTH BOUWER,  
KATHERINE WATKINS, AND  
CHARLES ADAMS,  
APPELLEES*

§ *JUDICIAL DISTRICT COURT*

§ *ANDERSON COUNTY, TEXAS*

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***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(c).

On November 10, 2016, the clerk of this Court notified Appellant that the filing fee in this appeal is due. *See* TEX. R. APP. P. 5. Appellant was informed that failure to remit the filing fee on or before November 21, 2016, would result in the Court's taking appropriate action, including dismissal of the case without further notice. *See* TEX. R. APP. P. 42.3(c). The date for remitting the filing fee has passed, and Appellant has not complied with the Court's request.

Also on November 10, we notified Appellant that his notice of appeal failed to comply with the rules of appellate procedure. *See* TEX. R. APP. P. 9.5, 25.1(e), 37.1. The notice warned that, unless Appellant filed a proper notice of appeal on or before November 21, the appeal would be referred to the Court for dismissal. The deadline has passed and Appellant has not filed a compliant notice of appeal or otherwise responded to this Court's November 10 notice.

Because Appellant has failed, after notice, to comply with Rules 5, 9.5, and 25.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered November 30, 2016.  
*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

NOVEMBER 30, 2016

NO. 12-16-00298-CV

DAVID ALLEN RUSSELL,

Appellant

V.

PNOSO RAYFORD, A. KING, NINA TANNER, RUTH BOUWER,

KATHERINE WATKINS, AND CHARLES ADAMS,

Appellees

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Appeal from the 3rd District Court

of Anderson County, Texas (Tr.Ct.No. DCCV16-442-3)

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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., Hoyle, J. and Neeley, J.*