

**Dismissed and Opinion Filed this 13th day of February, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-12-00459-CV**

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**CARLOS A. DIAZ, Appellant  
V.  
ROXANA MAYRA MARTINEZ, Appellee**

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**On Appeal from the 305th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF 10-09071**

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**MEMORANDUM OPINION**

**Before Justices Lang-Miers, Myers and Lewis  
Opinion by Justice Lewis**

By letter dated April 9, 2012, we notified appellant the \$175 filing fee was due. We cautioned appellant that failure to pay the filing fee within ten days would result in the dismissal of this appeal. By letter dated July 23, 2012, we informed appellant that the Court had received notice from the Dallas County District Clerk that the clerk's record in this case had not been filed because appellant had not paid for the record. We directed appellant to provide the Court with written verification that he had paid for or made arrangements to pay for the clerk's record or that he had been found entitled to proceed without payment of costs. We cautioned appellant that failure to provide the Court with the required documentation within ten days might result in the dismissal of this appeal. To date, appellant has not paid the filing fee, provided the Court

with the required documentation regarding the clerk's record, or otherwise corresponded with the Court regarding the status of this appeal.

Accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 37.3(b); 42.3(b),(c).

/David Lewis/  
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DAVID LEWIS  
JUSTICE

120459F.P05



**Court of Appeals  
Fifth District of Texas at Dallas**

JUDGMENT

CARLOS A. DIAZ, Appellant

No. 05-12-00459-CV      V.

ROXANA MAYRA MARTINEZ, Appellee

On Appeal from the 305th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DF 10-09071.  
Opinion delivered by Justice Lewis.  
Justices Lang-Miers and Myers  
participating.

In accordance with this Court's opinion of this date, this appeal is **DISMISSED**.

It is **ORDERED** that appellee ROXANA MAYRA MARTINEZ recover her costs of this appeal from appellant CARLOS A. DIAZ.

Judgment entered this 13<sup>th</sup> day of February, 2013.

/David Lewis/

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DAVID LEWIS

JUSTICE