

DISMISS; Opinion issued February 13, 2013



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

No. 05-12-00752-CV

**ROSA DIAZ, Appellant
V.
ISIDRO GARCIA, Appellee**

**On Appeal from the 303rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-10-02447**

MEMORANDUM OPINION

Before Chief Justice Wright, and Justices Lang-Miers and Lewis
Opinion by Chief Justice Wright

By letter dated June 1, 2012, we notified appellant the \$175 filing fee in this case was due. We cautioned appellant that failure to pay the filing fee within ten days would result in the dismissal of this appeal. Also by letter dated June 1, 2012, we notified appellant she had not filed a docketing statement. We directed appellant to file a docketing statement within ten days. We cautioned appellant that failure to do so might result in the dismissal of this appeal. By letter dated January 23, 2013, we informed appellant that the Dallas County District Clerk's Office notified us that the clerk's record had not been filed in this case because appellant had not paid the clerk's fee for the record. We directed appellant to, within ten days, file verification of payment or written documentation that appellant is entitled to proceed without payment of costs. We cautioned appellant that failure to file the required documentation might result in dismissal

of the appeal for want of prosecution. To date, appellant has not paid the filing fee, filed a docketing statement, provided documentation that she has paid for the clerk's record, provided documentation that she is entitled to proceed without payment of costs, or otherwise corresponded with the Court regarding the status of this appeal.

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

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

ROSA DIAZ, Appellant

No. 05-12-00752-CV V.

ISIDRO GARCIA, Appellee

On Appeal from the 303rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DF-10-02447.

Opinion delivered by Chief Justice Wright.

Justices Lang-Miers and Lewis participating.

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

It is **ORDERED** that appellee ISIDRO GARCIA recover his costs of this appeal from appellant ROSA DIAZ.

Judgment entered February 13, 2013.

/Carolyn Wright/

CAROLYN WRIGHT

CHIEF JUSTICE