

DISMISS; Opinion issued February 13, 2013



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

No. 05-12-00944-CV

IN THE INTEREST OF P.E., C.E., C.E., AND S.E., CHILDREN

**On Appeal from the 301st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-10-05399**

MEMORANDUM OPINION

Before Justices Moseley, Francis and Lang
Opinion by Justice Francis

This is an appeal from a judgment in favor of appellee on appellee's sworn account. Appellant filed an affidavit of indigence, seeking to proceed in the appeal without advance payment of costs. *See* TEX. R. APP. P. 20.1(a)(2). The affidavit was contested, and the contest sustained by the trial court. *See id.* 20.1(i). On appellant's motion, we reviewed the trial court's order and concluded, by opinion issued November 1, 2012, that the trial court did not abuse its discretion in sustaining the contest. *See In re P.E.*, No. 05-12-00944-CV, 2012 WL 5378250, at *2 (Tex. App.—Dallas Nov. 1, 2012, no pet.) (mem. op.). Accordingly, appellant was responsible for paying the costs associated with the appeal, including the filing fee. *See* TEX. R. APP. P. 20.1(i)(4), 20.1(n).

By letter dated January 18, 2013, we directed appellant to pay, within ten days, the \$175 filing fee. We cautioned appellant that failure to pay the fee would result in dismissal of the

appeal without further notice. To date, appellant has not paid the fee or otherwise communicated with the Court. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3 (c).

/Molly Francis/
MOLLY FRANCIS
JUSTICE

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

JUDGMENT

IN THE INTEREST OF P.E., C.E., C.E.,
AND S.E., CHILDREN

No. 05-12-00944-CV

On Appeal from the 301st Judicial District
Court, Dallas County, Texas (Trial Court
Cause No. DF-10-05399).

Opinion delivered by Justice Francis,
Justices Moseley and Lang participating.

In accordance with the Court's opinion of this date, we **DISMISS** the appeal. We **ORDER** that appellee Dan L. Wyde recover his costs of this appeal from appellant Felix Echendu.

Judgment entered February 13, 2013.

/Molly Francis/

MOLLY FRANCIS
JUSTICE