

DISMISS; Opinion issued April 29, 2013



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

No. 05-12-01194-CV

**JUSTIN SMITH, Appellant
V.
KRISTINA BILBAN, Appellee**

**On Appeal from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause No. 380-02673-2012**

MEMORANDUM OPINION

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

By letter dated January 23, 2013, the Court informed appellant that we have received notice from the District Clerk of Collin County that the clerk's record has not been filed because appellant has not paid the fee for its preparation. We instructed appellant to provide the Court, within ten days, written verification that he has paid or made arrangements to pay the clerk's fee or written documentation that appellant has been found to be entitled to proceed without payment of costs. We cautioned appellant that failure to provide the document within the time specified may result in dismissal of the appeal for want of prosecution.

As of today's date, appellant has not provided the requested documentation. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3 (b) & (c).

/Carolyn Wright/
**CAROLYN WRIGHT
CHIEF JUSTICE**



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

JUDGMENT

JUSTIN SMITH, Appellant

No. 05-12-01194-CV V.

KRISTINA BILBAN, Appellee

On Appeal from the 380th Judicial District
Court, Collin County, Texas

Trial Court Cause No. 380-02673-2012.

Opinion delivered by Chief Justice Wright.

Justices Lang-Miers and Lewis participating.

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

It is **ORDERED** that appellee, KRISTINA BILBAN, recover her costs of this appeal from appellant, JUSTIN SMITH.

Judgment entered April 29, 2013.

/Carolyn Wright/

CAROLYN WRIGHT

CHIEF JUSTICE