

DISMISS; Opinion Filed January 8, 2014.



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

No. 05-12-01593-CV

**HOLLINGSWORTH SAND & GRAVEL, L.L.C., Appellant
V.
B&R SYSTEMS, INC., Appellee**

**On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-12-05735-E**

MEMORANDUM OPINION

Before Justices Moseley, Bridges, and Evans
Opinion by Justice Moseley

The clerk's record in this appeal has not been filed because appellant has not paid the required fee. *See* TEX. R. APP. P. 35.3(a). Despite being warned by letter dated November 7, 2013 that the appeal would be dismissed if appellant did not file written verification of payment of the clerk's fee, appellant has not communicated with the Court. Because nothing in the record shows appellant is entitled to appeal without paying the fee, we dismiss the appeal. *See id.* 37.3(b), 42.3(b)(c).

121593F.P05

/Jim Moseley/

JIM MOSELEY
JUSTICE



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

JUDGMENT

HOLLINGSWORTH SAND & GRAVEL,
LLC, Appellant

No. 05-12-01593-CV V.

B&R SYSTEMS, INC., Appellee

On Appeal from the County Court at Law
No. 5, Dallas County, Texas
Trial Court Cause No. CC-12-05735-E.
Opinion delivered by Justice Moseley.
Justices Bridges and Evans participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee B&R Systems, Inc. recover its costs, if any, of this appeal from appellant Hollingsworth Sand & Gravel, LLC.

Judgment entered this 8th day of January, 2014.

/Jim Moseley/

JIM MOSELEY
JUSTICE