

DISMISS; and Opinion Filed August 26, 2013.



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

No. 05-13-00418-CV

**ROSALINDA TOVAR, Appellant
V.
COUCH ENTERPRISES LP, Appellee**

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-13-00873-D**

MEMORANDUM OPINION

Before Justices O'Neill, Francis, and Fillmore
Opinion by Justice Fillmore

Since the filing of her notice of appeal on March 26, 2013, Rosalinda Tovar has taken no action in this case. She has failed to pay the required fees and failed to show she is entitled to proceed in the appeal without advance payment of costs. *See* TEX. R. APP. P. 5 (filing fee), 20.1 (indigency), 35.3 (clerk's record fee). She has also failed to file the docketing statement as required by the rules of appellate procedure. *See id.* 32.1.

By both postcard and letter, we cautioned Tovar that her appeal would be dismissed unless she filed the docketing statement and paid the necessary fees or showed she is indigent. More than a month has elapsed and she has taken no action or otherwise communicated with the

Court. Accordingly, we dismiss the appeal. *See id.* 42.3(b), (c).

/Robert M. Fillmore/

ROBERT M. FILLMORE

JUSTICE

130418F.P05



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

JUDGMENT

ROSALINDA TOVAR, Appellant

No. 05-13-00418-CV V.

COUCH ENTERPRISES LP, Appellee

On Appeal from the County Court at Law
No. 4, Dallas County, Texas

Trial Court Cause No. CC-13-00873-D.

Opinion delivered by Justice Fillmore.

Justices O'Neill and Francis participating.

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

We **ORDER** that appellee Couch Enterprises LP recover its costs of this appeal from appellant Rosalinda Tovar.

Judgment entered this 26th day of August, 2013.

/Robert M. Fillmore/

ROBERT M. FILLMORE

JUSTICE