

DISMISS; and Opinion Filed October 16, 2013.



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

No. 05-13-01070-CV

**KIZZY HORN, Appellant
V.
CITY OF DALLAS, Appellee**

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-12-07081-D**

MEMORANDUM OPINION

Before Justices Bridges, Fillmore, and Lewis
Opinion by Justice Fillmore

Before the Court is appellee's October 3, 2013 motion to dismiss the appeal. Appellee contends the appeal should be dismissed because appellant has not paid the required filing fee or the fee for the clerk's record. Appellant did not file a response to appellee's motion.

By postcard notice dated August 5, 2013, the Court informed appellant that the required \$175 filing fee was past due. We instructed appellant to pay the fee within ten days and cautioned her that failure to do so would result in dismissal of the appeal without further notice. As of today's date, appellant has not paid the fee. Accordingly, we grant appellee's motion and dismiss the appeal. *See* TEX. R. APP. P. 42.3(c).

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE



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

JUDGMENT

KIZZY HORN, Appellant

No. 05-13-01070-CV V.

CITY OF DALLAS, Appellee

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

Trial Court Cause No. CC-12-07081-D.

Opinion delivered by Justice Fillmore.

Justices Bridges and Lewis, participating.

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

It is **ORDERED** that appellee, CITY OF DALLAS, recover its costs of this appeal from appellant, KIZZY HORN.

Judgment entered this 16th day of October, 2013.

/Robert M. Fillmore/

ROBERT M. FILLMORE

JUSTICE