

DISMISS; Opinion Filed April 3, 2014.



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

No. 05-13-01019-CV

**DEREK ELLIOTT BURNS, Appellant
V.
THADDEUS A. UNDERWOOD, Appellee**

**On Appeal from the 292nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. CV13-00252-V-292nd**

MEMORANDUM OPINION

Before Justices Moseley, Francis, and Lang
Opinion by Justice Moseley

The filing fee and docketing statement in this case are past due. By postcard dated July 26, 2013, we notified appellant the \$175 filing fee was due. We directed appellant to remit the filing fee within ten days and expressly cautioned appellant that failure to do so would result in dismissal of the appeal. Also by postcard dated July 26, 2013, we notified appellant the docketing statement had not been filed in this case. We directed appellant to file the docketing statement within ten days. We cautioned appellant that failure to do so might result in dismissal of this appeal. We again notified appellant regarding the filing fee on March 18, 2014. We directed appellant to remit the filing fee within ten days and expressly cautioned appellant that failure to do so would result in dismissal of the appeal. To date, appellant has not paid the filing fee, filed the docketing statement, or otherwise corresponded with the Court regarding the status of the filing fee.

Accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 37.3(b); 42.3(b), (c).

/ Jim Moseley/
JIM MOSELEY
JUSTICE

131019F.P05



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

JUDGMENT

DEREK ELLIOTT BURNS, Appellant

No. 05-13-01019-CV V.

THADDEUS A. UNDERWOOD, Appellee

On Appeal from the 292nd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. CV13-00252-V-
292nd.

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

In accordance with this Court's opinion of this date, this appeal is **DISMISSED**.
It is **ORDERED** that appellee THADDEUS A. UNDERWOOD recover his costs of this
appeal from appellant DEREK ELLIOTT BURNS.

Judgment entered this 3rd day of April, 2014.

/Jim Moseley/

JIM MOSELEY
JUSTICE