

Dismissed and Opinion Filed October 10, 2016



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

No. 05-16-00027-CV

**ANDRES MEJIA, Appellant
V.
KIM TRONG TRAN, Appellee**

**On Appeal from the County Court at Law No. 3
Dallas County, Texas
Trial Court Cause No. CC-15-05152-C**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Chief Justice Wright

Before the Court is appellee's September 19, 2016 motion to dismiss. A review of this appeal shows that, by letter dated June 3, 2016, we notified appellant that the reporter's record had not been filed because appellant had not paid or made arrangements to pay for the reporter's record or provided written documentation he had been found entitled to proceed without payment of costs. We cautioned appellant that if the Court did not receive the required documentation within the time specified, the Court would order the appeal submitted without the reporter's record.

When appellant did not respond or provide the requested documentation, we ordered this appeal to be submitted without the reporter's record. We ordered his brief to be filed no later than August 28, 2016. Appellant did not do so. On August 30, 2016, we directed appellant to file

his brief and an extension motion within ten days. To date, appellant has not filed his brief or communicated with the Court.

On September 19, 2016, appellee filed her motion to dismiss and certified she forwarded a copy of her motion to appellant. More than ten days have passed since appellee filed her motion, and appellant has not responded. Accordingly, we grant appellee's motion. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

We dismiss the appeal.

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

ANDRES MEJIA, Appellant

No. 05-16-00027-CV V.

KIM TRONG TRAN, Appellee

On Appeal from the County Court at Law
No. 3, Dallas County, Texas

Trial Court Cause No. CC-15-05152-C.

Opinion delivered by Chief Justice Wright,
Justices Lang-Miers and Stoddart
participating.

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

It is **ORDERED** that appellee KIM TRONG TRAN recover her costs of this appeal, if any, from appellant ANDRES MEJIA.

Judgment entered October 10, 2016.