

Dismissed and Opinion Filed December 27, 2017



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

No. 05-17-01183-CV

**ITALIAN ROGERS, Appellant
V.
LAYMON CARTER, JR., Appellee**

**On Appeal from the 302nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. Df-03-13756**

MEMORANDUM OPINION

Before Justices Francis, Evans, and Boatright
Opinion by Justice Francis

The filing fee, docketing statement, and clerk's record in this case are past due. By postcard dated October 13, 2017, we notified appellant the \$205 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 October 13, 2017, we informed appellant the docketing statement in this case was due. We cautioned appellant that failure to file the docketing statement within ten days might result in the dismissal of this appeal without further notice. By letter dated November 10, 2017, we informed appellant the clerk's record had not been filed because appellant had not paid for the clerk's record. We directed appellant to provide, within ten days, written verification of payment or arrangements to pay for the clerk's record or written verification appellant had been found entitled to proceed without

payment of costs. We cautioned appellant that failure to do so would result in the dismissal of this appeal without further notice. To date, appellant has not paid the filing fee, filed a docketing statement, provided the required documentation regarding the clerk's record, or otherwise corresponded with the Court regarding the status of this appeal.

We dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b); 42.3(b), (c).

/Molly Francis/

MOLLY FRANCIS
JUSTICE

171183F.P05



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

JUDGMENT

ITALIAN ROGERS, Appellant

No. 05-17-01183-CV V.

LAYMON CARTER, JR., Appellee

On Appeal from the 302nd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. Df-03-13756.

Opinion delivered by Justice Francis.

Justices Evans and Boatright participating.

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

It is **ORDERED** that appellee Laymon Carter, Jr. recover his costs of this appeal from appellant Italian Rogers.

Judgment entered December 27, 2017.