

Dismiss and Opinion Filed October 10, 2022



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

No. 05-22-00443-CV

**GARY RAYNARD SMITH, Appellant
V.
ANDREW SAMUEL AND STEPHEN SAMUEL, Appellees**

**On Appeal from the County Court at Law No. 5
Collin County, Texas
Trial Court Cause No. 005-00891-2022**

MEMORANDUM OPINION

Before Justices Osborne, Nowell, and Smith
Opinion by Justice Nowell

The filing fee, docketing statement, and clerk's record in this case have not been filed. By postcards dated May 10, 2022 and July 28, 2022, 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 May 10, 2022, 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. On August 30, 2022, we sent a letter informing

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, verification he had either paid for or made arrangements to pay for the record or was 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 the docketing statement, provided the required documentation, or otherwise corresponded with the Court regarding the status of this appeal.

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

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/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE



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

JUDGMENT

GARY RAYNARD SMITH,
Appellant

No. 05-22-00443-CV V.

ANDREW SAMUEL AND
STEPHEN SAMUEL, Appellees

On Appeal from the County Court at
Law No. 5, Collin County, Texas
Trial Court Cause No. 005-00891-
2022.

Opinion delivered by Justice Nowell.
Justices Osborne and Smith
participating.

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

Judgment entered this 10th day of October, 2022.