

Opinion issued November 17, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-11-00424-CV

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**DARRYL ARMSTRONG, Appellant**

**V.**

**JORDAN RESES SUPPLY COMPANY, LLC, RESPIRONICS, INC. A/K/A  
PHILIPS RESPIRONICS, RESMED CORP., AND VAUGHN MEDICAL  
EQUIPMENT REPAIR SERVICE, L.L.C., MARCUS D. THIERRY,  
NICOLE BAXTER-THIERRY, INDIVIDUALLY AND D/B/A JOSEPH AND  
COMPANY A/K/A JOSEPH & COMPANY A/K/A JOSEPH & CO., AND  
JOSEPH & COMPANY CONSULTING, LLC A/K/A JOSEPH &  
COMPANY LLC AND D/B/A JOSEPH & COMPANY AND JOSEPH &  
CO., Appellees**

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**On Appeal from the 268th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 10DCV178015**

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## MEMORANDUM OPINION

Appellant, Darryl Armstrong, has neither established indigence nor paid all the required fees. *See* TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent), 20.1 (listing requirements for establishing indigence); *see also* TEX. GOV'T CODE ANN. §§ 51.207, 51.941(a) (Vernon 2005), § 101.041 (Vernon Supp. 2010) (listing fees in court of appeals); Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Tex. Aug. 28, 2007), *reprinted in* TEX. R. APP. P. app. A § B(1) (listing fees in court of appeals). After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 5 (allowing enforcement of rule); 42.3(c) (allowing involuntary dismissal of case).

We dismiss the appeal for nonpayment of all required fees.

We dismiss any pending motions as moot.

## PER CURIAM

Panel consists of Justices Keyes, Higley, and Massengale.