

Dismissed and Memorandum Opinion filed January 7, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00853-CV

RALPH C. ARCEMONT, Appellant

V.

JOE SIMS and ELECTRO BIOMETRICS, LLP, Appellees

**On Appeal from the 113th District Court
Harris County, Texas
Trial Court Cause No. 2006-60591**

MEMORANDUM OPINION

This is an appeal from a judgment signed August 17, 2009. Appellant filed a timely motion for new trial. The notice of appeal was filed on October 5, 2009. To date, our records show that appellant has neither established indigence nor paid the \$175.00 appellate filing fee. *See* Tex. R. App. P. 5 (requiring payment of fees in civil cases unless indigent); Tex. R. App. P. 20.1 (listing requirements for establishing indigence); *see also* 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) (listing fees in court of appeals); Tex. Gov't Code Ann. § 51.207 (Vernon 2005) (same).

On November 19, 2009, this court ordered appellant to pay the appellate filing fee on or before December 2, 2009, or the appeal would be dismissed. Appellant has not paid the appellate filing fee. Accordingly, the appeal is ordered dismissed. *See* Tex. R. App. P. 42.3(c) (allowing involuntary dismissal of case because appellant has failed to comply with notice from clerk requiring response or other action within specified time).

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.