

Dismissed and Memorandum Opinion filed January 28, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00858-CV

BARBARA YOUNG SETTLES, Appellant

V.

JOHN F. ROBERT, INDEPENDENT EXECUTOR, Appellee

**On Appeal from the Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 301,383**

MEMORANDUM OPINION

This is an appeal from a judgment signed September 2, 2009. The notice of appeal was filed on October 1, 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 December 3, 2009, this court ordered appellant to pay the appellate filing fee on or before January 5, 2010, 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 Justices Yates, Seymore, and Brown.