

*Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio*



MEMORANDUM OPINION

No. 04-08-00585-CV

Alvin W. **BYRD**, Jr.,
Appellant

v.

DESKTOP PROPERTIES, LLC,
Appellee

From the 407th Judicial District Court, Bexar County, Texas
Trial Court No. 2007-CI-01847
Honorable Peter Sakai, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Steven C. Hilbig, Justice

Delivered and Filed: October 15, 2008

DISMISSED

When Alvin W. Byrd filed this appeal, he was required to pay a \$175.00 filing fee. *See* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a) (Vernon 2005); *id.* §§ 51.208, 51.0051 (Vernon Supp. 2008); TEXAS SUPREME COURT 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, Aug. 28, 2007) § B.1.(a). Byrd did not pay the required filing fee; accordingly, the clerk of this court notified Byrd of the deficiency and advised him that

his notice of appeal was only conditionally filed and the filing fee was due no later than August 22, 2008. Byrd responded by notifying the court he would pay the fee, but requesting additional time to do so. On September 9, we granted the motion and ordered the filing fee be paid by September 19, 2008. We advised Byrd that if the fee were not paid by the date ordered, the appeal would be dismissed. *See* TEX. R. APP. P. 5; 42.3.

The filing fee has not been paid; and Byrd has not otherwise responded to our September 9, 2008, order. We therefore **order** this appeal dismissed for want of prosecution.

PER CURIAM