



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-14-00764-CV

Ronald **GUTIERREZ** Individually, R.G.&C. Automotive, Inc., and G&C Total Care, Inc.,  
Appellants

v.

Joceline **NOLLKAMPER**,  
Appellee

From the 57th Judicial District Court, Bexar County, Texas  
Trial Court No. 2012-CI-13097  
Honorable John D. Gabriel, Jr., Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice  
Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice

Delivered and Filed: December 23, 2014

DISMISSED FOR LACK OF PROSECUTION

A filing fee of \$195.00 was due from appellants when this appeal was filed but was not paid. *See* TEX. GOV'T CODE ANN. § 51.941(a) (West 2013); *id.* §§ 51.0051, 51.207(b)(1), 51.208 (West 2013); TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN CIVIL CASES IN THE SUPREME COURT, IN CIVIL CASES IN THE COURTS OF APPEALS, AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 13-9127, Aug. 16, 2013). The clerk of the court notified appellants of this deficiency in a letter dated October 31, 2014, and stated the fee must be

remitted no later than November 14, 2014. The fee was not paid. Rule 5 of the Texas Rules of Appellate Procedure provides:

A party who is not excused by statute or these rules from paying costs must pay — at the time an item is presented for filing — whatever fees are required by statute or Supreme Court order. The appellate court may enforce this rule by any order that is just.

TEX. R. APP. P. 5.

Accordingly, on November 25, 2014, this court ordered appellants to either (1) pay the applicable filing fee or (2) provide written proof to this court that they are excused by statute or the Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 20.1 (providing that indigent party who complies with provisions of that rule may proceed without advance payment of costs). Our order informed appellants that if they failed to provide such written proof within the time ordered, this appeal would be dismissed. *See* TEX. R. APP. P. 42.3. Appellants have not responded. Accordingly, this appeal is dismissed. Costs of appeal are assessed against appellants.

PER CURIAM