

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-101 CV

HARRY FREEMAN, Appellant

V.

**HICA EDUCATION LOAN CORP., ACTING BY AND THROUGH
ITS SERVICING AGENT, SALLIE MAE, INC., Appellee**

**On Appeal from the County Court at Law No. 2
Montgomery County, Texas
Trial Cause No. 07-04-03753-CV**

MEMORANDUM OPINION

On March 27, 2008, we notified the parties that the filing fee for the appeal had not been paid and that the appeal would be dismissed unless the appellant paid the fee. The appellant did not reply to our correspondence.

Harry Freeman filed notice of appeal but did not file an affidavit of indigence and is not entitled to proceed without payment of costs. *See* TEX. R. APP. P. 20.1. Although warned that the appeal would be dismissed unless the appellant remitted the filing fee or

established his inability to pay the fee, Freeman failed to pay the filing fee for the appeal. The appellant failed to comply with a requirement of the Rules of Appellate Procedure and also failed to comply with a notice from the Clerk of the Court of Appeals. *See* TEX. R. APP. P. 42.3(c).

There being no satisfactory explanation for the appellant's failure to pay the filing fee or to respond to the clerk's notice that the appellant must either pay the filing fee or submit an affidavit of indigence, we dismiss the appeal. TEX. R. APP. P. 42.3. Costs are assessed against the appellant.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered May 1, 2008
Before McKeithen, C.J., Gaultney and Horton, JJ.