

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00482-CV

RICHARD WADE MCKINNEY, Appellant

V.

ROBERT L. MAY, et al., Appellees

On Appeal from the 88th District Court
Hardin County, Texas
Trial Cause No. 50877

MEMORANDUM OPINION

On November 22, 2010, we notified the parties that the appeal would be dismissed unless the appellant remitted the filing fee for the appeal. Appellant did not respond to the notice.

Appellant did not pay the filing fee for the appeal. Appellant neither filed an affidavit of indigence on appeal nor asserted that he is entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1. There being no satisfactory explanation for

the appellant's failure to pay the filing fee for the appeal after notice and opportunity to cure, the appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 42.3.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered January 13, 2011
Before McKeithen, C.J., Gaultney and Horton, JJ.