

NO. 07-03-0477-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
DECEMBER 3, 2003

IN THE INTEREST OF AMBER PENA, A CHILD

FROM THE 99TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2002-519,203; HONORABLE KEVIN HART, JUDGE

Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

DISMISSAL

By letter dated November 13, 2003, this Court directed appellant Richard Pena to pay the required filing fee of \$125 by November 24, 2003, before any further action could be taken in this appeal, noting that failure to do so might result in dismissal. Unless a party is excused from paying a filing fee, the Clerk of this Court is required to collect filing fees set by statute or the Supreme Court when an item is presented for filing. Tex. R. App. P. 5 & 12.1(b). Although the filing of a notice of appeal invokes this Court's jurisdiction,

if a party fails to follow the prescribed rules of appellate procedure, the appeal may be dismissed. Tex. R. App. P. 25.1(b). Thus, because the filing fee remains unpaid, we must dismiss the appeal.

Accordingly, the appeal is dismissed for failure to comply with the Texas Rules of Appellate Procedure and with a notice from the Clerk requiring payment of the filing fee. Tex. R. App. P. 42.3(c).

Don H. Reavis
Justice