

NO. 07-05-0343-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
NOVEMBER 8, 2005

---

KERWIN GIBBS, APPELLANT

V.

ALLSUP'S CONVENIENCE STORES, INC. AND  
FEDERATED MUTUAL INSURANCE COMPANY, FEDERATED  
INSURANCE AN ASSUMED NAME OF FEDERATED MUTUAL  
INSURANCE COMPANY AND/OR FEDERATED SERVICES  
INSURANCE COMPANY AND DAWN WILLEFORD, APPELLEES

---

FROM THE COUNTY COURT AT LAW NO. 3 OF LUBBOCK COUNTY;  
NO. 2005-597,010; HONORABLE PAULA LANEHART, JUDGE

---

Before QUINN, C.J., and REAVIS and HANCOCK, JJ.

### **MEMORANDUM OPINION**

By letter dated October 24, 2005, this Court directed appellant Kerwin Gibbs to pay the required filing fee of \$125 by November 3, 2005, 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. See Tex. R. App.

P. 5 and 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 of \$125 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 within ten days. Tex. R. App. P. 42.3(c).

Mackey K. Hancock  
Justice