

NO. 07-06-0374-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
OCTOBER 26, 2006

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R. WAYNE JOHNSON, APPELLANT

V.

MARY MILLER, ET AL., APPELLEE

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FROM THE 320<sup>th</sup> DISTRICT COURT OF POTTER COUNTY;

HONORABLE DON EMERSON, JUDGE

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

**MEMORANDUM OPINION**

Appellant R. Wayne Johnson, acting pro se, filed a notice of appeal on September 19, 2006 from the denial of permission to file suit, after having been found to be a vexatious litigant and prohibited from filing suit without permission. See Tex. Civ. Prac. & Rem. Code Ann. §§ 11.054, 11.101, 11.102 (Vernon 2002) (establishing procedure). On appeal, he did not pay the filing fee required under the Rules of Appellate Procedure. Nor did he file an affidavit of indigence in conformity with Rule of Appellate Procedure 20.1. By letter from this Court dated September 27, 2006, we advised appellant that “the filing

fee in the amount of \$125.00 has not been paid. Failure to pay the filing fee within ten (10) days from the date of this notice may result in a dismissal.” TEX. R. APP. P. 42.3(c); *Holt v. F. F. Enterprises*, 990 S.W.2d 756 (Tex.App.–Amarillo 1998, pet. denied) (op. on rehearing). Appellant has not paid the fee as directed or filed an affidavit of indigence. Accordingly, we dismiss the appeal. See TEX. R. APP. P. 42.3(c), 5.

James T. Campbell  
Justice