

NO. 07-08-0115-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
MAY 12, 2008

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VENNA POLITE DIXON, INDIVIDUALLY, AND AS NEXT FRIEND OF  
DESTINY COLBERT, AND TIMOTHY DIXON, INDIVIDUALLY,  
AND AS NEXT FRIEND OF KRISTOFER DIXON, APPELLANTS<sup>1</sup>

V.

KEITH DEAN SCHLESENER, APPELLEE

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FROM THE COUNTY COURT AT LAW NO. 2 OF POTTER COUNTY;  
NO. 95,303-2; HONORABLE PAMELA COOK SIRMON, JUDGE

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

#### **MEMORANDUM OPINION**

By letter dated April 3, 2008, this Court notified Ms. Polite to pay the outstanding filing fee of \$175 on or before April 30, 2008, noting that failure to do so might result in dismissal.

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<sup>1</sup>By her pro se notice of appeal, Appellant referred to herself as "Venna Polite."

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). Consequently, because the filing fee remains unpaid, we must dismiss the appeal.

Consequently, the appeal is dismissed for failure to comply with (1) a requirement of the Texas Rules of Appellate Procedure and (2) a notice from the Clerk requiring payment of the filing fee within a specified time. Tex. R. App. P. 42.3(c).

Patrick A. Pirtle  
Justice