

NO. 07-09-0324-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
DECEMBER 29, 2009

WENDELL H. TAYLOR,

Appellant

V.

ZURICH AMERICAN INSURANCE COMPANY,

Appellee

FROM THE COUNTY COURT AT LAW NO. 3 OF LUBBOCK COUNTY;
NO. 2008-562,834; HON. PAULA DAVIS LANEHART, PRESIDING

Memorandum Opinion

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

Appellant Wendell H. Taylor filed a notice of appeal on October 2, 2009. However, appellant did not pay the \$175 filing fee required from appellants under Texas Rule of Appellate Procedure 5. On October 13, 2009, appellant filed an affidavit of indigency, which was contested by the county clerk on October 30, 2009. By hearing on November 30, 2009, the trial court determined that appellant was not indigent and able to pay the

costs associated with prosecuting this appeal. By letter from this Court dated December 14, 2009, we informed appellant that “the filing fee in the amount of \$175.00 has not been paid If the filing fee is not paid on or before December 28, 2009, the appeal will be dismissed for want of prosecution.” TEX. R. APP. P. 42.3(c); see *Holt v. F. F. Enterprises*, 990 S.W.2d 756 (Tex. App.–Amarillo 1998, pet. ref’d). The deadline lapsed, and the fee was not received.

Because appellant has failed to pay the requisite filing fee as directed by the court, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam