



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00436-CV

LEON REYES, APPELLANT

V.

GUADALUPE REYES, APPELLEE

On Appeal from the 72nd District Court
Lubbock County, Texas
Trial Court No. 2015-518,576; Honorable Ruben Gonzales Reyes, Presiding

December 22, 2016

MEMORANDUM OPINION

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

Appellant, Leon Reyes, proceeding by and through his counsel, Charles Blevins, timely gave notice of appeal from the *Final Decree of Divorce* dissolving his marriage with Appellee, Guadalupe Reyes.¹ By letter dated November 30, 2016, the clerk of this court advised Appellant that a filing fee of \$205 was overdue and notified him that

¹ This court previously dismissed an earlier appeal for failure to pay the requisite filing fee. *Reyes v. Reyes*, No. 07-16-00353-CV, 2016 Tex. App. LEXIS 11573 (Tex. App.—Amarillo Oct. 25, 2016) (mem. op., not designated for publication).

failure to submit payment within ten days would subject the appeal to dismissal pursuant to Rule 42.3(c) of the Texas Rules of Appellate Procedure.

Appellant has not responded, paid the filing fee, made other arrangements, nor sought to proceed without payment of costs. See TEX. R. APP. P. 12.1(b), 20.1. 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 Texas Supreme Court when an item is presented for filing. See *id.* at 5, 12.1(b). Although the filing of a proper notice of appeal invokes an appellate court's jurisdiction, if a party fails to follow the prescribed rules of appellate procedure, the appeal may be dismissed. *Id.* at 25.1(b).

Accordingly, having provided Appellant a reasonable opportunity to cure this defect, this appeal is dismissed for failure to comply with a requirement of the appellate rules and failure to comply with a notice from the clerk requiring action within a specified time. TEX. R. APP. P. 42.3(c).

Per Curiam