



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

No. 07-17-00059-CV

SAR 1 SEMI-AUTOMATIC ASSAULT RIFLE WITH MAGAZINE, ET AL., APPELLANTS

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 137th District Court
Lubbock County, Texas
Trial Court No. 2016-522,855; Honorable Les Hatch, Presiding

March 7, 2017

MEMORANDUM OPINION

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

Appellant, Joe Dray Rushing, gave notice of appeal from the *Default Judgment* signed by the trial court on November 14, 2016. By letter dated February 14, 2017, the clerk of this court advised Rushing that a filing fee of \$205 was overdue and that unless he was excused from paying costs under appellate rule 20.1, failure to pay the filing fee

by February 24th would subject the appeal to dismissal without further notice. See TEX. R. APP. P. 20.1, 42.3(c).

Rushing has not responded to the clerk's letter, paid the filing fee, made other arrangements, or 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 by 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 Rushing 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