



NUMBER 13-10-00335-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

LEOPOLDO LEAL,

Appellant,

v.

LONE STAR COUNTRY STORE CC, LLC,

Appellee.

On appeal from the 214th District Court
of Nueces County, Texas.

MEMORANDUM OPINION

Before Justices Rodriguez, Benavides, and Vela
Memorandum Opinion Per Curiam

This matter is before the Court on appellee's motion to dismiss appeal for appellant's failure to comply and want of prosecution. On August 4, 2010, the Court advised appellant that the notice of appeal was not in compliance with Texas Rule of Appellate Procedure 25.1(d) and that if the defect was not cured after the expiration of ten

days from the date of receipt of the Court's notice, the appeal would be dismissed. See Tex. R. App. P. 25.1(d), 37.1, 42.3(b),(c). Appellant has failed to correct the defect or otherwise respond to the Court's notice.

On August 4, 2010, the Clerk of this Court notified appellant, in accordance with Texas Rule of Appellate Procedure 42.3(c), that we would dismiss this appeal unless the \$175.00 filing fee was paid. See TEX. R. APP. P. 42.3(c). Appellant has not responded to the notice from the Clerk or paid the \$175.00 filing fee. See TEX. R. APP. P. 5, 12.1(b).

The Court, after consideration of the documents on file and appellee's motion, hereby GRANTS appellee's motion to dismiss appeal for appellant's failure to comply and want of prosecution. Accordingly, we dismiss the appeal for want of prosecution and failure to comply with a notice from the Court. See Tex. R. App. P. 42.3(b),(c).

PER CURIAM

Delivered and filed the
31st day of August, 2010.