



NUMBER 13-22-00050-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

PEDRO PEREZ,

Appellant,

v.

RUDY GARZA JR.,

Appellee.

**On appeal from the County Court at Law No. 5
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Hinojosa, and Silva
Memorandum Opinion by Justice Hinojosa**

This matter is before the Court on appellee's motion to dismiss. Appellee requests the dismissal, as the appellant has moved from appellee's property. Appellant did not file a response to the motion.

Additionally, on February 7, 2022, the Clerk of the Court notified appellant that the notice of appeal did not comply with TEX. R. APP. P. 9.5 and 25 and provided 30 days to

correct the defect. On March 2, 2022, the Clerk of the Court notified appellant that the required docketing statement was past due. On March 10, 2022, the Clerk of the Court notified appellant that the filing fee was past due and if the fee was not paid in 10 days, the appeal would be dismissed. See TEX. R. APP. P. 42.3(c). Finally, on March 14, 2022, the Clerk of the Court notified appellant again of the defects in the notice of appeal and further provided notice that if the defects were not cured within 10 days, the appeal would be dismissed. See TEX. R. APP. P. 42.3(c). Appellant has since failed to file an amended notice of appeal or docketing statement and is delinquent in paying a filing fee. Furthermore, appellant failed to respond to the clerk's notices.

The Court, having considered appellee's motion and appellant's failure to comply with the notices from the Clerk of the Court, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a)(1), 42.3(b),(c). Therefore, the motion to dismiss is granted, and the appeal is hereby dismissed.

LETICIA HINOJOSA
Justice

Delivered and filed on the
7th day of April, 2022.