

**NO. 12-09-00214-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*JULIA MARIE MCNEAL,  
APPELLANT*

§

*APPEAL FROM THE*

*V.*

§

*COUNTY COURT AT LAW*

*NAPOLEAN MCNEAL,  
APPELLEE*

§

*SMITH COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to rule 32.1, Appellant's docketing statement was due to have been filed at the time the appeal was perfected, i.e., July 13, 2009. *See* TEX. R. APP. P. 32.1. On July 13, 2009, this court notified Appellant that she should file a docketing statement within ten days if she had not already done so. On the same date, by separate letter, this court notified Appellant that the filing fee was due on or before July 23, 2009.

Because Appellant did not file the docketing statement as requested in our July 13, 2009 letter, this court issued a second notice advising Appellant that the docketing statement was past due. The notice also advised Appellant that the filing fee in the appeal was due to have been paid on or before July 23, 2009 but had not been received. *See* TEX. R. APP. P. 5. The notice further provided that unless the docketing statement and fee were filed on or before August 3, 2009, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement and the filing fee has passed, and Appellant has not complied with the court's request. Because Appellant has failed, after notice, to comply with rules 5 and 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered August 19, 2009.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)