

NO. 12-09-00343-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

GREGORIO TAMAYO,
APPELLANT

§ *APPEAL FROM THE 349TH*

V.

§ *JUDICIAL DISTRICT COURT OF*

T.D.C.J.-I.D., ET AL.,
APPELLEES

§ *ANDERSON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This pro se *in forma pauperis* appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c). The judgment in this case was signed on September 15, 2009. Appellant, Gregorio Tamayo, timely filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On October 15, 2009, Tamayo was notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with Rules 9.5 and 25.1(e). He was further notified that unless he filed an amended notice of appeal on or before November 16, 2009, the appeal would be referred to the court for dismissal. See TEX. R. APP. P. 42.3(c). The deadline for filing an amended notice of appeal has passed, and Tamayo has not corrected his defective notice of appeal. Accordingly, the appeal is *dismissed* for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c); *Feist v. Berg*, No. 12-04-00004-CV, 2004 WL 252785, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied).

Opinion delivered November 18, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)