

**NO. 12-10-00010-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***ANTHONY AND RENEE' CULLER,***  
***APPELLANTS***

***§ APPEAL FROM THE***

***V.***

***§ COUNTY COURT AT LAW OF***

***LARRY CHOATE,***  
***APPELLEE***

***§ NACOGDOCHES COUNTY, TEXAS***

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***MEMORANDUM OPINION***  
***PER CURIAM***

This appeal is being dismissed because Appellants have failed, after notice, to file a docketing statement. The judgment was signed on December 31, 2009. Appellant filed a notice of appeal on January 6, 2010.

Appellants' filing fee and docketing statement in this case were due to have been filed at the time the appeal was perfected, i.e., January 6, 2010. *See* TEX. R. APP. P. 5, 32.1. On January 13, 2010, this court requested that Appellants file a docketing statement if they had not already done so. On January 14, 2010, this court extended Appellants' deadline for payment of the filing fee to January 25, 2010. However, Appellants did not pay the required fee or file a docketing statement. On January 27, 2010, Appellants were again notified that the filing fee had not been paid and the docketing statement had not been filed. Appellants were further informed that the filing fee must be paid and the docketing statement filed on or before February 8, 2010, or the appeal would be presented to the court for dismissal.

Since issuing our January 27, 2010 letter, we have been informed that Appellants are indigent and are entitled to proceed without prepayment of costs. However, Appellants still have not filed the required docketing statement, and the February 8, 2010 deadline for doing so has passed without any response from Appellants. Accordingly, this appeal is *dismissed*. *See* TEX. R. APP. P. 37.3(b), 42.3(c).

Opinion delivered February 26, 2010.

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

(PUBLISH)