

NO. 12-10-00240-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***ROBERT F. CALDWELL,
APPELLANT***

§

APPEAL FROM THE 87TH

V.

§

JUDICIAL DISTRICT COURT

***ASSISTANT WARDEN EDDIE BAKER,
ET AL,
APELLEES***

§

ANDERSON COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed because Appellant, Robert F. Caldwell, has failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to rule 32.1, Caldwell's docketing statement was due to have been filed at the time the appeal was perfected, i.e., July 1, 2010. *See* TEX. R. APP. P. 32.1. On July 28, 2010, this court received Caldwell's notice of appeal from the trial court, and notified Caldwell that he should file a docketing statement immediately if he had not already done so.

Because Caldwell did not file the docketing statement as requested in our July 28, 2010, letter, this court issued a second notice on August 12, 2010, advising Caldwell that the docketing statement was past due. The notice further provided that unless the docketing statement was filed on or before August 23, 2010, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. By letter filed on August 16, 2010, Caldwell responded that docketing statements are for attorneys and, without completing it, returned the form we had furnished him. Because Caldwell has failed, after notice, to comply with rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered August 18, 2010.

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

(PUBLISH)