

NO. 12-10-00389-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF J.L.R.M.,</i>	§	<i>APPEAL FROM THE 321ST</i>
<i>A CHILD</i>	§	<i>JUDICIAL DISTRICT COURT</i>
	§	<i>SMITH COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed because Appellant has failed 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., November 12, 2010. *See* TEX. R. APP. P. 32.1. Because Appellant did not file his docketing statement at that time, this court requested by letter dated November 17, 2010, that he file his docketing statement within ten days if he had not already done so. Appellant did not file the docketing statement as requested.

In a second notice dated December 3, 2010, the court advised Appellant that the filing fee was due to have been paid on or before November 29, 2010, but had not been received, and that the docketing statement was past due. The notice further provided that unless the filing fee was paid and the docketing statement filed on or before December 13, 2010, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. *See* TEX. R. APP. P. 5, 32.1. The December 13 deadline 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 December 22, 2010.

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

(PUBLISH)