

NO. 12-11-00288-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***HAROLL NEIL REED,
APPELLANT***

§

APPEAL FROM THE 321ST

V.

§

JUDICIAL DISTRICT COURT

***SHERRY PEPPER REED,
APPELLEE***

§

SMITH COUNTY, TEXAS

***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., September 22, 2011. On September 22, 2011, this court notified Appellant that he should file a docketing statement within ten days if he had not already done so. In a separate notice on the same date, this court requested that Appellant remit the filing fee on or before October 3, 2011.

Appellant did not file the docketing statement or remit the filing fee as requested in the September 22, 2011 notices. This court issued another notice on October 6, 2011, advising Appellant that his docketing statement was past due and that the filing fee had not been received. *See* TEX. R. APP. P. 5. The notice further provided that unless the docketing statement and filing fee were filed on or before October 17, 2011, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The October 17, 2011 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 October 26, 2011.

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

(PUBLISH)