

NO. 12-12-00046-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST</i>	§	<i>APPEAL FROM THE 321ST</i>
<i>OF K.C.M.,</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>A CHILD</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., January 4, 2012. *See* TEX. R. APP. P. 32.1. Because Appellant did not file his docketing statement at that time, this court requested by letter dated January 27, 2012, 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 February 16, 2012, the court advised Appellant that the filing fee was due to have been paid on or before February 6, 2012, 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 February 27, 2012, 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 February 27 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 March 7, 2012.

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

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

MARCH 7, 2012

NO. 12-12-00046-CV

IN THE INTEREST OF K.C.M., A CHILD

Appeal from the 321st Judicial District Court
of Smith County, Texas. (Tr.Ct.No. 11-3407-D)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

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

THE STATE OF TEXAS
M A N D A T E

TO THE 321ST DISTRICT COURT of SMITH COUNTY, GREETING:

Before our Court of Appeals for the 12th Court of Appeals District of Texas, on the 7th day of March, 2012, the cause upon appeal to revise or reverse your judgment between

IN THE INTEREST OF K.C.M., A CHILD

NO. 12-12-00046-CV; Trial Court No. 1-3407-D

By *per curiam* opinion.

was determined; and therein our said Court made its order in these words:

“THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby dismissed; and that this decision be certified to the court below for observance.”

WHEREAS, WE COMMAND YOU to observe the order of our said Court of Appeals for the Twelfth Court of Appeals District of Texas in this behalf, and in all things have it duly recognized, obeyed, and executed.

WITNESS, THE HONORABLE JAMES T. WORTHEN, Chief Justice of our Court of Appeals for the Twelfth Court of Appeals District, with the Seal thereof affixed, at the City of Tyler, this the _____ day of _____, 201 ____.



CATHY S. LUSK, CLERK

By: _____
Deputy Clerk