

NO. 12-12-00163-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***GARY MILLER,
APPELLANT***

§

APPEAL FROM THE 124TH

V.

§

JUDICIAL DISTRICT COURT

***JPMORGAN CHASE BANK, N.A.,
APPELLEE***

§

GREGG 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., May 7, 2012. On May 8, 2012, this court requested that Appellant file a docketing statement immediately if he had not already done so.

Because Appellant did not file the docketing statement as requested in the May 8, 2012 notice, this court issued a second notice on May 22, 2012, advising Appellant that the docketing statement was past due. The notice further provided that unless the docketing statement was filed on or before June 1, 2012, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement has passed, and Appellant has not complied with the court's request.

Because Appellant has failed, after notice, to comply with Rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered June 20, 2012.

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

(PUBLISH)



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

JUNE 20, 2012

NO. 12-12-00163-CV

GARY MILLER,

Appellant

V.

JPMORGAN CHASE BANK, N.A.,

Appellee

Appeal from the 124th Judicial District Court
of Gregg County, Texas. (Tr.Ct.No. 2011-1063-B)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that 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.