

NO. 12-14-00046-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***IN THE MATTER OF THE
MARRIAGE OF FELICIA N.
GARDNER AND QUINCY D.
GARDNER, SR. AND IN THE
INTEREST OF Q. D. G., JR.,
Q.D.G. AND S.B., CHILDREN***

§ ***APPEAL FROM THE***
§ ***COUNTY COURT AT LAW NO 2***
§ ***HENDERSON 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., January 2, 2014. *See* TEX. R. APP. P. 32.1. On February 10, 2014, this court sent a notice informing Appellant that he should file a docketing statement within ten days if he had not already done so. On the same date, this court sent Appellant a notice requesting that he remit the filing fee for the appeal on or before February 20, 2014. *See* TEX. R. APP. P. 5 (requiring payment of filing fee at time item is presented for filing).

Appellant did not file the docketing statement or pay the filing fee. Accordingly, on February 21, 2014, this court issued another notice advising Appellant that the docketing statement was past due. The notice also advised Appellant that the filing fee was due to have been paid on or before February 20, 2014, but had not been received. The notice further provided that unless the docketing statement was filed and the filing fee was paid on or before March 3, 2014, the appeal would be presented for dismissal in accordance with Rule 42.3. The time for filing the docketing statement and paying the filing fee has expired, and Appellant has not complied with the court's request. Because Appellant has failed to comply with Texas Rules of Appellate Procedure 5 and 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered March 12, 2014.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 12, 2014

NO. 12-14-00046-CV

**IN THE MATTER OF THE MARRIAGE OF FELICIA N. GARDNER
AND QUINCY D. GARDNER, SR. AND IN THE INTEREST OF
Q. D. G., JR., Q.D.G. AND S.B., CHILDREN**

Appeal from the County Court at Law No 2
of Henderson County, Texas (Tr.Ct.No. CC2-2013-009)

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