

**NO. 12-14-00099-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***JAMES PAUL BURKS AND  
KATIELEE BURKS,  
APPELLANTS***

§ ***APPEAL FROM THE 4TH***

§ ***JUDICIAL DISTRICT COURT***

***V.***

***TAYLOR JIMMERSON,  
APPELLEE***

§ ***RUSK COUNTY, TEXAS***

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***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, Appellants' docketing statement was due to have been filed at the time the appeal was perfected, i.e., April 4, 2014. *See* TEX. R. APP. P. 32.1. On April 14, 2014, this court sent a notice informing Appellants that they should file a docketing statement within ten days if they had not already done so. On the same date, this court sent Appellants a notice requesting that they remit the filing fee for the appeal on or before April 25, 2014.

Appellants did not pay the filing fee or file the docketing statement. Accordingly, on April 29, 2014, this court issued another notice advising Appellants that the docketing statement was past due. The notice also advised Appellants that the filing fee was due to have been paid on or before April 25, 2014, but had not been received. *See* TEX. R. APP. P. 5 (requiring payment of filing fee at time an item is presented for filing). The notice further provided that unless the docketing statement was filed and the filing fee was paid on or before May 9, 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 Appellants have not complied with the

court's request. Because Appellants have 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 May 14, 2014.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MAY 14, 2014

NO. 12-14-00099-CV

**JAMES PAUL BURKS AND KATIELEE BURKS,**  
Appellants  
V.  
**TAYLOR JIMMERSON,**  
Appellee

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Appeal from the 4th District Court  
of Rusk County, Texas (Tr.Ct.No. 2012-217)

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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.*