

**NO. 12-15-00132-CV**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

**DOMINIQUE A. MALONE,**  
**APPELLANT**

§ **APPEAL FROM THE 145TH**

**V.**

§ **JUDICIAL DISTRICT COURT**

**PROGRESSIVE COUNTY MUTUAL**  
**INSURANCE COMPANY,**  
**APPELLEE**

§ **NACOGDOCHES COUNTY, TEXAS**

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**MEMORANDUM OPINION**  
**PER CURIAM**

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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 20, 2015. *See* TEX. R. APP. P. 32.1. On May 20, 2015, this court sent a notice informing Appellant that she should file a docketing statement within ten days if she had not already done so. On the same date, this court sent Appellant a notice requesting that she remit the filing fee for the appeal on or before June 1, 2015. *See* TEX. R. APP. P. 5 (requiring payment of filing fee at time an item is presented for filing).

Appellant did not file the docketing statement or pay the filing fee. Accordingly, on June 2, 2015, 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 June 1, 2015, but had not been received. The notice further provided that unless the docketing statement was filed and the filing fee paid on or before June 12, 2015, 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 June 17, 2015.

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

(PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**JUNE 17, 2015**

**NO. 12-15-00132-CV**

**DOMINIQUE A. MALONE,**  
Appellant  
V.  
**PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY,**  
Appellee

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Appeal from the 145th District Court  
of Nacogdoches County, Texas (Tr.Ct.No. C1430149)

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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., Hoyle, J. and Neeley, J.