

**NO. 12-16-00114-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***DONNA MORRIS,***  
***APPELLANT***

§ ***APPEAL FROM THE 241ST***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***MIKE HUDSON,***  
***APPELLEE***

§ ***SMITH 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, Appellant's docketing statement was due to have been filed at the time the appeal was perfected, i.e., April 18, 2016. On April 18, 2016, this court requested that Appellant file a docketing statement within ten days if she had not already done so. On the same date, by separate letter, this court notified Appellant that the filing fee was due on or before April 28, 2016.

Because Appellant did not file the docketing statement as requested in the April 18, 2016 notice, this court issued a second notice on April 29, 2016, advising Appellant that the docketing statement was past due. The notice also advised Appellant that the filing fee in the appeal was due to have been paid on or before April 28, 2016, but had not been received. *See* TEX. R. APP. P. 5. The notice further provided that unless the docketing statement was filed and the filing fee paid on or before May 9, 2016, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement and paying the filing fee 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 May 11, 2016.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MAY 11, 2016

NO. 12-16-00114-CV

**DONNA MORRIS,**  
Appellant  
V.  
**MIKE HUDSON,**  
Appellee

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Appeal from the 241st District Court  
of Smith County, Texas (Tr.Ct.No. 06-155-C)

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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.