

NO. 12-16-00229-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***SHARONDA SHEPHERD,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT AT LAW***

***TOWER VILLAGE,
APPELLEE***

§ ***NACOGDOCHES 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.

The judgment in this case was signed on August 10, 2016. On the same date, Appellant filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On August 10, 2016, Appellant was notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with Rules 9.5 and 25.1(e). She was further notified that unless she filed an amended notice of appeal on or before August 20, 2016, the appeal would be referred to the Court for dismissal. *See* TEX. R. APP. P. 42.3(c).

On August 12, 2016, Appellant filed an amended notice of appeal, but did not correct the defect identified in this Court's August 10, 2016 notice. By letter dated August 12, 2016, Appellant was notified that her amended notice of appeal failed to comply with Rules 9.5 and 25.1(e). She was informed that unless she filed a proper notice of appeal on or before August 22, 2016, the appeal would be referred to the Court for dismissal. The deadline for filing an amended notice of appeal has passed, and Appellant has failed to file a proper notice of appeal or

otherwise respond to the August 12, 2016 notice.

Moreover, by letter dated August 10, 2016, Appellant was notified that the filing fee in this appeal is due. *See* TEX. R. APP. P. 5. Appellant was informed that failure to remit the filing fee on or before August 20, 2016, would result in the Court's taking appropriate action, including dismissal of the case without further notice. *See* TEX. R. APP. P. 42.3(c). The August 10, 2016 deadline has passed, and Appellant has not remitted the filing fee.

Because Appellant has failed, after notice, to comply with Rules 5, 9.5, and 25.1(e), the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c); *Feist v. Berg*, No. 12-04-00004-CV, 2004 WL 252785, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied) (dismissing for failure to file amended notice of appeal to include certificate of service).

Opinion delivered September 7, 2016.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 7, 2016

NO. 12-16-00229-CV

SHARONDA SHEPHERD,

Appellant

V.

TOWER VILLAGE,

Appellee

Appeal from the County Court at Law
of Nacogdoches County, Texas (Tr.Ct.No. CV1613733)

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.