

**NO. 12-17-00055-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*CITY OF EAST MOUNTAIN,  
APPELLANT*

§ *APPEAL FROM THE*

*V.*

§ *COUNTY COURT*

*KENNETH CRAIG MILLER,  
APPELLEE*

§ *UPSHUR 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(c).

On February 17, 2017, the clerk of this Court notified Appellant, City of East Mountain, 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 February 27, 2017, 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 date for remitting the filing fee has passed, and Appellant has not complied with the Court's request.

Because Appellant has failed, after notice, to comply with Rule 5, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered March 1, 2017.

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

(PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**MARCH 1, 2017**

**NO. 12-17-00055-CV**

**CITY OF EAST MOUNTAIN,**  
Appellant  
V.  
**KENNETH CRAIG MILLER,**  
Appellee

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Appeal from the County Court  
of Upshur County, Texas (Tr.Ct.No. 16CV00139)

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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.