

**NO. 12-17-00403-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***BEN E. JARVIS AND JNJA LAND  
LLC,  
APPELLANTS***

**§ *APPEAL FROM THE 114TH***

***V.***

**§ *JUDICIAL DISTRICT COURT***

***SHIRLEY LOVIN AND LESLIE D.  
TEW AND JUDY GAIL TEW,  
APPELLEES***

**§ *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, Appellants' docketing statement was due to have been filed at the time the appeal was perfected, i.e., December 27, 2017. On December 27, 2017, this Court requested that Appellants file a docketing statement within ten days if they had not already done so. Appellants did not file the docketing statement as requested.

On January 10, 2018, this Court issued a second notice advising Appellants that the docketing statement was past due. The notice further provided that unless the docketing statement was filed on or before January 22, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement has passed, and Appellants have not complied with the Court's request.

Because Appellants have failed, after notice, to comply with Rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered January 31, 2018.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JANUARY 31, 2018

NO. 12-17-00403-CV

**BEN E. JARVIS AND JNJA LAND LLC,**

Appellants

V.

**SHIRLEY LOVIN AND LESLIE D. TEW AND JUDY GAIL TEW,**

Appellees

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Appeal from the 114th District Court  
of Smith County, Texas (Tr.Ct.No. 24,579-B)

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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.