

NO. 12-18-00015-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***KEVIN FRAZIER, ON BEHALF OF
NEAL FRAZIER, DECEASED,
APPELLANT***

§ ***APPEAL FROM THE 217TH***

§ ***JUDICIAL DISTRICT COURT***

V.

***RICHARD DONOVAN,
APPELLEE***

§ ***ANGELINA 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(c).

On February 22, 2018, the clerk of this Court notified Appellant that the filing fee in this appeal is due.¹ *See* TEX. R. APP. P. 5. Appellant was informed that failure to remit the filing fee on or before March 5, 2018, 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 7, 2018.

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

(PUBLISH)

¹ On February 5, 2018, Appellant filed a statement of inability to pay costs, which Appellee contested. On February 13, this Court overruled Appellant's statement for failure to comply with Texas Rule of Civil Procedure 145(b), which requires a declarant to use the form statement approved by the Texas Supreme Court or that includes the information required by the Court-approved form. *See* TEX. R. CIV. P. 145(b). Appellant did not file a compliant statement or otherwise respond to this Court's February 13 notice.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 7, 2018

NO. 12-18-00015-CV

KEVIN FRAZIER, ON BEHALF OF NEAL FRAZIER, DECEASED,

Appellant

V.

RICHARD DONOVAN,

Appellee

Appeal from the 217th District Court
of Angelina County, Texas (Tr.Ct.No. CV-01477-12-06)

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.