

**NO. 12-18-00137-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***BENNIE GRISMORE,  
APPELLANT***

§ ***APPEAL FROM THE 7TH***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***MEDTRONIC, INC., THE EAST  
TEXAS MEDICAL CENTER SYSTEM,  
INC., AND TEXAS SPINE & JOINT  
HOSPITAL, LTD., PAC,  
APPELLEES***

§ ***SMITH 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 May 24, 2018, the Clerk of this Court notified Appellant 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 June 4, 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 June 6, 2018.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JUNE 6, 2018

NO. 12-18-00137-CV

**BENNIE GRISMORE,**

Appellant

V.

**MEDTRONIC, INC., THE EAST TEXAS MEDICAL CENTER  
SYSTEM, INC., AND TEXAS SPINE & JOINT HOSPITAL, LTD., PAC,**

Appellees

---

Appeal from the 7th District Court  
of Smith County, Texas (Tr.Ct.No. 17-0458-A)

---

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.*