

NO. 12-18-00229-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

MICHAEL A. KENNEDY,
APPELLANT

§ **APPEAL FROM THE 3RD**

V.

§ **JUDICIAL DISTRICT COURT**

JAMES T. WORTHEN, ET AL,
APPELLEES

§ **ANDERSON 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 August 22, 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 September 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 September 26, 2018.

Panel consisted of Neeley, J., and Bass, Retired J., Twelfth Court of Appeals, sitting by assignment; Worthen, C.J., and Hoyle, J., not participating.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 26, 2018

NO. 12-18-00229-CV

MICHAEL A. KENNEDY,
Appellant
V.
JAMES T. WORTHEN, ET AL,
Appellees

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. DCCV17-723-3)

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 Neeley, J., and Bass, Retired J., Twelfth Court of Appeals, sitting by Assignment; Worthen, C.J., and Hoyle, J., not participating.