

NO. 12-18-00292-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

**VELVIN OIL COMPANY, INC.,
APPELLANT**

§ **APPEAL FROM THE 123RD**

V.

§ **JUDICIAL DISTRICT COURT**

**R & S TRUCKING, A PARTNERSHIP,
TOMMY E. EAVES, REBECCA A.
EAVES, STEVEN E. EAVES,
APPELLEES**

§ **SHELBY 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 October 24, 2018, the Clerk of this Court notified Appellant that the filing fee in this appeal is due. *See* TEX. R. APP. P. 5 (“A party who is not excused by statute or these rules from paying costs must pay--at the time an item is presented for filing--whatever fees are required by statute or Supreme Court order”). Appellant was informed that failure to remit the filing fee on or before November 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 or otherwise responded to the October 24 notice.

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 November 28, 2018.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 28, 2018

NO. 12-18-00292-CV

VELVIN OIL COMPANY, INC.,

Appellant

V.

R & S TRUCKING, A PARTNERSHIP, TOMMY E. EAVES,

REBECCA A. EAVES, STEVEN E. EAVES,

Appellees

Appeal from the 123rd District Court
of Shelby County, Texas (Tr.Ct.No. 12CV31,990)

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.