

NO. 12-20-00014-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***SHARAYAH WARR BURCHAM,
APPELLANT***

§ ***APPEAL FROM THE 1ST***

V.

§ ***JUDICIAL DISTRICT COURT***

***JEREMY DAVID BURCHAM,
APPELLEE***

§ ***SAN AUGUSTINE 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).

A party who is not excused by statute or the appellate rules from paying costs must pay-- at the time an item is presented for filing--whatever fees are required by statute or Texas Supreme Court order. TEX. R. APP. P. 5. An appellate court may enforce Rule 5 by any order that is just. *Id.* After giving ten days' notice, an appellate court may dismiss an appeal because the appellant failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. TEX. R. APP. P. 42.3(c).

On January 17, 2020, the Clerk of this Court notified Appellant, Sharayah Warr Burcham, 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 January 27 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 passed, and Appellant has not paid the fee or otherwise shown that she is excused from paying the fee.¹

¹ The case information sheet filed by the San Augustine County District Clerk states that Appellant has not been declared indigent. Appellant's docketing statement also reflects that a statement of inability to pay court costs was not filed in the trial court.

Because Appellant failed, after notice, to comply with Rule 5, the appeal is *dismissed*. See
TEX. R. APP. P. 42.3(c).

Opinion delivered January 31, 2020.

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, 2020

NO. 12-20-00014-CV

SHARAYAH WARR BURCHAM,

Appellant

V.

JEREMY DAVID BURCHAM,

Appellee

Appeal from the 1st District Court
of San Augustine County, Texas (Tr.Ct.No. DV-14-5422)

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.