

NO. 12-20-00043-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***DONALD FLINT MOWERY AND
FAMILY,
APPELLANTS***

§ ***APPEAL FROM THE***

§ ***COUNTY COURT AT LAW NO. 3***

V.

***CHAD EDWARD MILLER,
APPELLEE***

§ ***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 February 12, 2020, the Clerk of this Court notified Appellants, Donald Flint Mowery and Family, that the notice of appeal failed to contain the information specifically required by Texas Rule of Appellate Procedure 9.5(e) and Section 51.017(a) of the Texas Civil Practice and Remedies Code. *See* TEX. R. APP. P. 9.5 (service); *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.017(a) (West Supp. 2019) (notice of appeal must be served on each court reporter responsible for preparing reporter's record). The notice warned that, unless Appellant filed a proper notice of appeal on or before March 13, the appeal would be referred to the Court for dismissal. This deadline passed and Appellants have not filed a compliant notice of appeal or otherwise responded to this Court's February 12 notice.¹

Because Appellants failed, after notice, to comply with Rule 9.5 and Section 51.017(a), the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c) (on its own initiative after giving ten days' notice to all parties, appellate court may dismiss appeal if appeal is subject to dismissal because appellant

¹ Nor have Appellants filed the requisite docketing statement. *See* TEX. R. APP. P. 32.1 (promptly upon filing notice of appeal in civil case, appellant must file docketing statement in appellate court).

failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time).

Opinion delivered March 18, 2020.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 18, 2020

NO. 12-20-00043-CV

DONALD FLINT MOWERY AND FAMILY,
Appellants
V.
CHAD EDWARD MILLER,
Appellee

Appeal from the County Court at Law No. 3
of Smith County, Texas (Tr.Ct.No. 69910-B)

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.