

NO. 12-20-00079-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***TIMOTHY JAMES HALEY,
APPELLANT***

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THAD W. DAVIDSON AND JANE
DOE OF THE DAVIDSON LAW
OFFICE,
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).

Appellant, Timothy Haley, acting pro se, filed a notice of appeal in trial court cause number 17-2651-A. On March 4, 2020, the Clerk of this Court notified Haley that the notice of appeal failed to contain the information specifically required by Texas Rule of Appellate Procedure 9.5 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); ***Muhammed v. Plains Pipeline, L.P.***, No. 12-16-00189-CV, 2017 WL 2665180, at *2 n.3 (Tex. App.—Tyler June 21, 2017, no pet.) (mem. op.) (pro se litigants are held to same standards as licensed attorneys and must comply with all applicable rules of procedure; otherwise, pro se litigants would benefit from an unfair advantage over parties represented by counsel). The notice warned that, unless Haley filed a proper notice of appeal on or before April 3, the appeal would be referred to the Court for dismissal. This deadline passed and Haley has not filed a compliant notice of appeal or otherwise responded to this Court's March 4 notice.

Because Haley 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 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). All pending motions are *overruled as moot*.

Opinion delivered April 22, 2020.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 22, 2020

NO. 12-20-00079-CV

TIMOTHY JAMES HALEY,

Appellant

V.

**THAD W. DAVIDSON AND JANE DOE
OF THE DAVIDSON LAW OFFICE,**

Appellees

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 17-2651-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.