

**NO. 12-20-00244-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***VIRGINIA REYES,  
APPELLANT***

**§ *APPEAL FROM THE 114TH***

***V.***

**§ *JUDICIAL DISTRICT COURT***

***LINDALE INDEPENDENT SCHOOL  
DISTRICT, ET AL,  
APPELLEES***

**§ *SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure.<sup>1</sup> 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 October 21, 2020, the Clerk of this Court notified Appellant, Virginia Reyes, that the filing fee in this appeal is due and that the appeal would be subject to dismissal if the fee was not

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<sup>1</sup> Appellant is acting pro se; however, pro se litigants are held to the 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. *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.).

paid on or before November 2. 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.<sup>2</sup>

Because Appellant failed, after notice, to comply with Rule 5, the appeal is *dismissed*.  
*See* TEX. R. APP. P. 42.3(c).<sup>3</sup>

Opinion delivered November 10, 2020.

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

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<sup>2</sup> The case information sheet from the Smith County District Clerk's Office demonstrates that Appellant was not declared indigent in the trial court.

<sup>3</sup> We also note that Appellant has not filed the required docketing statement. *See* TEX. R. APP. P. 32.1. Additionally, Appellant's amended notice of appeal fails to comply with Section 51.017 of the Texas Civil Practice and Remedies Code. *See* 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).



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

NOVEMBER 10, 2020

NO. 12-20-00244-CV

**VIRGINIA REYES,**

Appellant

V.

**LINDALE INDEPENDENT SCHOOL DISTRICT, ET AL,**

Appellees

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Appeal from the 114th District Court  
of Smith County, Texas (Tr.Ct.No. 26491-B)

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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 the 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.*