

NO. 12-22-00040-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***KYLE HAYNES,
APPELLANT***

§ *APPEAL FROM THE 217TH*

V.

§ *JUDICIAL DISTRICT COURT*

***JACKY J. JUMPER,
APPELLEE***

§ *ANGELINA 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 March 3, 2022, the Clerk of this Court notified Appellant, Kyle Hanes, that the filing fee in this appeal is due. Appellant was informed that failure to remit the filing fee on or before March 14, 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 responded to this Court's notice, paid the filing fee, or otherwise shown that he is excused from paying the fee.¹

Because Appellant failed, after notice, to comply with Rule 5, the appeal is *dismissed*.²
See TEX. R. APP. P. 42.3(c).

Opinion delivered March 23, 2022.

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

¹ The case information sheet from the Angelina County District Clerk's Office reflects that Appellant has not been declared indigent.

² We also note that Appellant has not filed the required docketing statement. *See* TEX. R. APP. P. 32.1.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 23, 2022

NO. 12-22-00040-CV

KYLE HAYNES,
Appellant
V.
JACKY J. JUMPER,
Appellee

Appeal from the 217th District Court
of Angelina County, Texas (Tr.Ct.No. CV-00028-22-01)

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.