

**NO. 12-22-00121-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***ROBERT F. CALDWELL,  
APPELLANT***

**§ *APPEAL FROM THE 87TH***

***V.***

**§ *JUDICIAL DISTRICT COURT***

***WILLIAM R. MOTAL, ET AL,  
APPELLEES***

**§ *ANDERSON 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. *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 May 20, 2022, the Clerk of this Court notified Appellant, Robert F. Caldwell, that the filing fee in this appeal is due. Appellant was informed that failure to remit the filing fee on or before May 31, 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.<sup>1</sup>

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

Opinion delivered June 16, 2022.

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

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<sup>1</sup> The case information sheet from the Anderson County District Clerk's Office reflects that Appellant has not been declared indigent.



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JUNE 16, 2022

NO. 12-22-00121-CV

**ROBERT F. CALDWELL,**  
Appellant  
V.  
**WILLIAM R. MOTAL, ET AL,**  
Appellee

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Appeal from the 87th District Court  
of Anderson County, Texas (Tr.Ct.No. 87-11264)

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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 this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

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