

Dismissed and Opinion filed June 14, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00443-CV

SEARS ROEBUCK & CO., Appellant

V.

BARRY COURTNEY, Appellee

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 735,340**

MEMORANDUM OPINION

This is an appeal from a judgment signed February 23, 2001. The notice of appeal was filed on April 24, 2001. To date, the filing fee of \$125.00 has not been paid. No proper affidavit of indigence was filed with or before the notice of appeal. *See* TEX. R. APP. P. 20.1. Therefore, on May 17, 2001, the Court issued an order stating that unless appellant paid the appellate filing fee of \$125.00 within fifteen days of the date of the order, the appeal would be dismissed.

The filing fee has not been paid, and appellant has not responded to the Court's order of May 17, 2001.

Accordingly, the appeal is ordered dismissed. *See* TEX. R. APP. P. 42.3(c).

PER CURIAM

Judgment rendered and Opinion filed June 14, 2001
Panel consists of Justices Yates, Fowler, and Wittig.
Do Not Publish — TEX. R. APP. P. 47.3(b).