

Dismissed and Opinion filed July 12, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01324-CV

NATIONWIDE P.O.S. CORP. d/b/a RETRIEVER POS, Appellant

V.

RM CROWE HOUSTON PORTFOLIO I, L.P., Appellee

**On Appeal from the 270th District Court
Harris County, Texas
Trial Court Cause No. 98-54546**

MEMORANDUM OPINION

This is an appeal from a judgment signed July 17, 2000. The notice of appeal was filed on October 13, 2000. The appellate filing fee of \$125.00 was not timely paid. Therefore, on February 8, 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. Appellant did not respond to the court's order, and the filing fee was not paid by the deadline imposed in the order. Accordingly, on March 8, 2001, the court issued an opinion dismissing the appeal for failure to comply with our order. *See* TEX. R. APP. P. 42.3(c).

On March 9, 2001, appellant paid the filing fee, and on March 14, 2001, it filed a motion to reinstate the appeal. On March 29, 2001, the court granted the motion, and issued an order reinstating the appeal.¹ The court ordered that appellant's brief be filed by April 30, 2001. No brief was filed. On May 17, 2001, the court issued a further order stating that unless appellant filed its brief, and a motion reasonably explaining why the brief was late, on or before June 18, 2001, the court would dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). To date, appellant has filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed July 12, 2001.

Panel consists of Justices Edelman, Frost and Senior Chief Justice Murphy.²

Do Not Publish — TEX. R. APP. P. 47.3(b).

¹ The order noted that Justice Edelman would have denied reinstatement.

² Senior Chief Justice Paul C. Murphy sitting by assignment.