

Dismissed and Opinion filed February 21, 2002.



In The

Fourteenth Court of Appeals

NO. 14-01-01109-CV

LUIS SANTOS LAGAITE, JR., Appellant

V.

JOHN WILLIFORD, JAMES HURST, AND FRANK BLAZEK, Appellees

**On Appeal from the 278th District Court
Walker County, Texas
Trial Court Cause No. 21,189-C**

MEMORANDUM OPINION

This is an appeal from a judgment signed October 15, 2001. The notice of appeal was filed on November 7, 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 January 31, 2002, 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. On February 11, 2002, appellant filed an affidavit of indigence. In regular appeals, the appellant "must file the affidavit of indigence in the trial

court with or before the notice of appeal.” TEX. R. APP. P. 20.1(c)(1). Therefore, the affidavit of indigence filed on February 11, 2002, was not timely filed.

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

PER CURIAM

Judgment rendered and Opinion filed February 21, 2002
Panel consists of Justices Yates, Seymore, and Guzman.
Do Not Publish — TEX. R. APP. P. 47.3(b).