

Opinion filed March 9, 2017



In The
Eleventh Court of Appeals

No. 11-17-00042-CV

**LUDOVIC TETAJ, INDIVIDUALLY AND
AS NEXT FRIEND OF I.T., Appellant**

V.

**ABILENE CHILDREN'S MEDICAL ASSOCIATION, L.L.P.
AND TUSHAR SHAH, Appellees**

**On Appeal from the 104th District Court
Taylor County, Texas
Trial Court Cause No. 26086-B**

MEMORANDUM OPINION

Appellant attempts to appeal from a November 12, 2016 take-nothing final judgment rendered by the trial court after a jury trial on the merits. We dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

Our records reflect that the motion for new trial was filed in the district clerk's office on December 16, 2016, which was thirty-four days after the date that the trial

court signed the judgment. The motion for new trial was, therefore, four days late. *See* TEX. R. CIV. P. 329b(a). Absent a timely filed motion for new trial, the notice of appeal was due to be filed on December 12, 2016, thirty days after the judgment was signed or, at the very latest, December 27, 2016, with a fifteen-day extension. *See* TEX. R. APP. P. 26.1, 26.3. Because Appellant did not file a notice of appeal until February 15, 2017, the notice of appeal was untimely. Upon docketing this appeal, the clerk of this court wrote the parties and informed them that the motion for new trial and the notice of appeal appear to have been untimely filed. We requested that Appellant respond and show grounds to continue the appeal. Appellant has not filed a response. *See* TEX. R. APP. P. 42.3(c).

Absent a timely notice of appeal, this court is without jurisdiction to consider this appeal. *See Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 564 (Tex. 2005); *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.); *see also Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Because Appellant did not timely file a notice of appeal, we have no jurisdiction to entertain this appeal.

We dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM

March 9, 2017

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.