

Opinion filed August 17, 2017



In The

# Eleventh Court of Appeals

\_\_\_\_\_  
No. 11-17-00189-CV  
\_\_\_\_\_

**SENDIE McDANIEL A/K/A SENDIE SMITH, Appellant**

**V.**

**GOLD CAPITAL, LLC, Appellee**

---

---

**On Appeal from the 244th District Court  
Ector County, Texas  
Trial Court Cause No. C-17-02-0127-CV**

---

---

## MEMORANDUM OPINION

On July 12, 2017, Sendie McDaniel filed in the trial court a pro se notice of appeal in which she sought to appeal a final default judgment that was signed by the trial court on April 21, 2017. When the appeal was docketed in this court, we notified Appellant by letter that it appeared to this court that the notice of appeal was untimely filed, and we requested that Appellant respond and show grounds to continue the appeal.

Appellant has not responded to this court's letter. The documents on file in this appeal reflect that the trial court signed a final, appealable judgment on April 21, 2017. The notice of appeal was therefore due on or before May 22. *See* TEX. R. APP. P. 26.1. Appellant did not file her notice of appeal until July 12—well after the deadline.<sup>1</sup> 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, 233–34 (Tex. App.—Houston [1st Dist.] 2007, no pet.); *see also Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Because we are without jurisdiction, we must dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

Accordingly, this appeal is dismissed for want of jurisdiction.

PER CURIAM

August 17, 2017

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

---

<sup>1</sup>We note that the civil information form from the trial court clerk does not reflect that a motion for new trial was filed, and Appellant has not responded to this court's letter or otherwise indicated to this court that she timely filed a motion for new trial.