

Opinion issued September 27, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00006-CV

RENE ROCHA, Appellant

V.

**FRANK BOONE, JOSE ALEX RODRIGUEZ, AND TEXAS DEPARTMENT
OF MOTOR VEHICLES, Appellees**

**On Appeal from the County Civil Court at Law No. 2
Harris County, Texas
Trial Court Cause No. 978403**

MEMORANDUM OPINION

Appellant Rene Rocha attempts to appeal from the trial court's January 11, 2011 judgment. Because appellant's notice of appeal was untimely filed, we dismiss the appeal for lack of jurisdiction.

Generally, a notice of appeal is due within thirty days after the judgment is signed. TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is extended to 90 days after the date the judgment is signed if any party timely files a motion for new trial, motion to modify the judgment, motion to reinstate, or, under certain circumstances, a request for findings of fact and conclusions of law. TEX. R. APP. P. 26.1(a)(1).

The record reflects that the trial court signed the final judgment on January 11, 2011. Appellant did not file a motion for new trial. Appellant's notice of appeal was due no later than February 10, 2011. *See* TEX. R. APP. P. 26.1. Appellant did not file a notice of appeal until ten months later, on December 30, 2011. Because appellant's notice of appeal was untimely filed, the Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 25.1.

The Court notified appellant that his appeal was subject to dismissal for want of jurisdiction unless he filed a response showing grounds for continuing the appeal. *See* TEX. R. APP. P. 42.3(a). On March 2, 2012, the Court granted an extension of

time to respond to the notice. On April 2, 2012, appellant filed a response; however, it does not demonstrate our jurisdiction.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Jennings and Keyes.