

Dismissed and Memorandum Opinion filed August 19, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-10-00499-CV

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**NELLY URIBE, Appellant**

**V.**

**METROPOLITAN TRANSIT AUTHORITY, ET AL., Appellees**

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**On Appeal from the County Civil Court at Law No. 3  
Harris County, Texas  
Trial Court Cause No. 886497**

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**MEMORANDUM OPINION**

Appellant filed suit against Metropolitan Transit Authority and others on February 26, 2007.<sup>1</sup> The trial court signed an order of dismissal on May 16, 2007. Appellant did not file a motion to reinstate the case until April 21, 2010. Appellant's notice of "restricted" appeal was filed May 26, 2010. Appellant filed an amended notice of appeal on August 6, 2010, indicating that she sought to litigate her appeal in federal court.

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<sup>1</sup> Appellant named numerous defendants in her suit, including Metro employees President Frank Wilson, Supervisor W.D. Moore, and Claims Manager Rolando Tolentino. She also named former Presidents George W. Bush and George H. W. Bush, the State of Texas, Governor Rick Perry, Greg Abbott, an unnamed Harris County Constable, Harold Hurtt and the "Police Department."

Generally, a notice of appeal must be filed within thirty days after the judgment or appealable order is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or request for findings of fact and conclusion of law. *See* Tex. R. App. P. 26.1. In a restricted appeal, the notice of appeal must be filed within six months after the judgment or order being appealed is signed. *See* Tex. R. App. P. 26.1(c).

Appellant's notice of appeal, filed three years after dismissal of her suit, is untimely. *See* Tex. R. App. P. 26.1. A timely notice of appeal is essential to invoke our appellate jurisdiction. *In re A.L.B.*, 56 S.W.3d 651, 652 (Tex. App.—Waco 2003, no pet.). If the notice is untimely, then the court of appeals can take no action other than to dismiss the proceeding. *Id.*

On July 6, 2010, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant's responses to this court's notice fail to demonstrate that this court has jurisdiction to entertain the appeal. Because the notice of appeal in this case was not filed timely, we have no choice but to dismiss the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.