



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00489-CV

IN THE INTEREST OF A.R.V., a Child

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-09192
The Honorable Richard E. Price, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: November 30, 2016

DISMISSED

The trial court's judgment was signed on June 28, 2016. The deadline for filing a notice of appeal or a timely motion for new trial was July 28, 2016. TEX. R. APP. P. 26.1. Appellant filed both a notice of appeal and a motion for new trial in the trial court on July 29, 2016, one day late. The notice of appeal is deemed timely filed if appellant's motion for new trial was timely filed, thereby extending the timetable to perfect appeal to ninety days after the date the judgment was signed. TEX. R. CIV. P. 5; TEX. R. APP. P. 25.1(a), 26.1(a)(1). We therefore ordered appellant to provide written proof of the date of mailing the motion for new trial by filing either a copy of the postmark affixed by the United States Postal Service, a certified mail receipt, a certificate of mailing by the United States Postal Service, or an affidavit stating the date and method by which the motion for new trial was mailed to the district clerk. *See* TEX. R. CIV. P. 5; TEX. R. APP. P.

9.2(b)(2). Our order warned that if appellant did not respond, the appeal would be dismissed for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant did not respond. Accordingly, this appeal is dismissed for lack of jurisdiction. *See id.*

PER CURIAM