

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00385-CV

ANTONIO GARCIA, Appellant

V.

**LIBERTY MATERIALS, INC. AND LIBERTY MATERIALS
TRANSPORTATION, INC., Appellees**

**On Appeal from the 410th District Court
Montgomery County, Texas
Trial Cause No. 15-02-01447-CV**

MEMORANDUM OPINION

On October 17, 2017, we notified the parties that an extension of time to file a notice of appeal was required because the notice of appeal was filed late, but within the extension time permitted under the applicable appellate rule. *See* Tex. R. App. P. 26.3. The appellant, Antonio Garcia, did not respond to the Court's notice and did not file a motion for extension of time to file a notice of appeal.

The Court finds that the notice of appeal was not timely filed. *See* Tex. R. App. P. 26.1. No motion for extension of time was filed. *See* Tex. R. App. P. 26.3. Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 42.3.

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on December 13, 2017
Opinion Delivered December 14, 2017

Before McKeithen, C.J., Horton and Johnson, JJ.