



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-13-00268-CV**

FREDRICK DEONE GOODEN

APPELLANT

V.

JASON W. SCHOLL, D.  
ALVORADO, D. PIAZZA, S. TRENT,  
JAMES ANDERS, TRACI COOKE,  
LINDA RICHEY, T.D.C.J.-CID, AND  
RICK THALER

APPELLEES

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FROM THE 30TH DISTRICT COURT OF WICHITA COUNTY  
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**MEMORANDUM OPINION<sup>1</sup>**  
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Appellant attempts to appeal from the trial court's order dismissing his claims against Appellees as frivolous. We dismiss for want of jurisdiction.

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<sup>1</sup>See Tex. R. App. P. 47.4.

On January 10, 2013, Appellant filed a petition against Appellees raising claims under the Texas Tort Claims Act. On March 26, 2013, the trial court dismissed Appellant's claims as frivolous. See Tex. Civ. Prac. & Rem. Code Ann. § 14.003 (West 2002). On August 1, 2013, Appellant filed a notice of appeal and a motion for an extension of time to file the notice. Appellant asserted that he did not receive notice of the trial court's dismissal until July 10, 2013.

Although we may extend the time to appeal from an appealable order in a civil case where the affected party did not receive timely notice, we may not extend the deadline more than ninety days after the date the order was signed. See Tex. R. App. P. 4.2(a)(1); see *also* Tex. R. Civ. P. 306a(4). Appellant's motion and notice of appeal were filed more than ninety days after the trial court's dismissal order. Therefore, we deny Appellant's motion and dismiss this appeal. See Tex. R. App. P. 25.1(b), 43.2(f).

PER CURIAM

PANEL: GABRIEL, J.; LIVINGSTON, C.J.; and DAUPHINOT, J.

DELIVERED: August 22, 2013