



**IN THE
TENTH COURT OF APPEALS**

No. 10-15-00422-CV

LYNN HOLLAND,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 12th District Court
Walker County, Texas
Trial Court No. 26506**

MEMORANDUM OPINION

Lynn Holland, an inmate, is appealing the trial court's August 10, 2015 "order to withdraw funds" that notifies the Texas Department of Criminal Justice that Holland has been assessed "court costs, fees and/or fines and/or restitution" and instructs the Department to withdraw funds from Holland's inmate account in accordance with Texas Government Code section 501.014. However, the trial court's August 10, 2015 "order to withdraw funds" is not an order, much less an appealable order; it is a notice to the Texas Department of Criminal Justice under Government Code section 501.014(e). *Ramirez v.*

State, 318 S.W.3d 906, 907-08 (Tex. App.—Waco 2010, no pet.); see *Jones v. State*, No. 10-10-00006-CV, 2011 WL 5221243 (Tex. App.—Waco Oct. 26, 2011, no pet.) (mem. op.); see also *Harrell v. State*, 286 S.W.3d 315, 316 n.1 (Tex. 2009).

Furthermore, even if the trial court’s August 10, 2015 “order to withdraw funds” is considered an appealable order, Holland’s notice of appeal is untimely. The notice of appeal must have been filed within thirty days after the judgment was signed, TEX. R. APP. P. 26.1, and a motion for extension of time to file notice of appeal must have been filed within fifteen days after the deadline for filing the notice of appeal. TEX. R. APP. P. 26.3. Holland’s notice of appeal was filed on November 23, 2015—105 days after the “order to withdraw funds” was signed.

The Clerk of the Court notified Holland that, unless he showed grounds for continuing this appeal, it was subject to dismissal. Holland has not responded. We dismiss this appeal for want of jurisdiction.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed March 24, 2016
[CV06]

