

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-11-00350-CV**

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**Floyd Pleasant Tarvin IV, Appellant**

**v.**

**Texas Department of Criminal Justice, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT  
NO. D-1-GN-09-002351, HONORABLE JOHN K. DIETZ, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

On September 30, 2010, the trial court signed an order dismissing appellant's case, among many others, for want of prosecution. However, appellant did not file his notice of appeal until June 23, 2011. Although appellant has informed us that he had filed a motion to retain the cause before the dismissal order was signed and that he filed a motion to reinstate the cause after its dismissal, because the notice of appeal was filed outside the possible deadlines for appeal, *see* Tex. R. App. P. 26.1, we cannot exercise jurisdiction over the cause, *see Texas Emp'rs Ins. Ass'n v. Martin*, 347 S.W.2d 916, 917 (Tex. 1961) (because appeal was not perfected within thirty days of judgment, court of appeals "did not acquire jurisdiction"). We therefore must dismiss the appeal for want of jurisdiction. Tex. R. App. P. 42.3(a).

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David Puryear, Justice

Before Justices Puryear, Rose and Goodwin

Dismissed for Want of Jurisdiction

Filed: December 30, 2011