

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00631-CV

**Billy Caffey, Individually and as Personal Representative of the Estate of Brain W. Caffey,
Appellant**

v.

**American Medical Response of Texas, Inc.; AMR Employee No. 230/EMTP
Attendant D. Stevens; and AMR Employee No. 139/EMTP Unknown Driver, Appellees**

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. CV35,213, HONORABLE JOHN YOUNGBLOOD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed a notice of appeal on August 1, 2013. He has attempted to appeal from a judgment signed on April 15, 2013. Because appellant filed a motion for new trial on May 15, 2013, the deadline for filing his notice of appeal was July 15, 2013. *See* Tex. R. App. P. 26.1(a) (notice of appeal must be filed within 90 days after judgment signed when motion for new trial timely filed). The deadline for filing a motion for extension of time to file his notice of appeal was July 30, 2013. *See* Tex. R. App. P. 26.3 (allowing 15-day extension of notice of appeal deadline).

On October 9, 2013, we sent a letter to appellant stating our concern that we lacked jurisdiction over this appeal because the notice of appeal was not timely filed. *See* Tex. R. App. P. 25.1(b), 26.1, 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Appellant responded to

our letter, asking for this Court to grant an “out of time” appeal. The time for filing a notice of appeal, however, is jurisdictional and, absent a timely filed notice of appeal or extension request, we must dismiss the appeal. *See* Tex. R. App. P. 2, 25.1(b), 26.3; *Verburgt*, 959 S.W.2d at 617. Accordingly, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

Melissa Goodwin, Justice

Before Justices Puryear, Rose, and Goodwin

Dismissed for Want of Jurisdiction

Filed: November 6, 2013