



NUMBER 13-20-00516-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

SAMUEL E. BENSON, III,

Appellant,

v.

FIESTA NISSAN INC.,

Appellee.

**On appeal from the 398th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Hinojosa, and Tijerina
Memorandum Opinion by Justice Hinojosa**

This cause is before the Court on its own motion. On December 23, 2020, the clerk of the court notified appellant that the appeal has not been timely perfected, so that steps could be taken to correct the defect, if it could be done. Appellant was advised that, if the defect was not corrected within ten days from the date of the Court's letter, the appeal

would be dismissed. In response, on December 28, 2020, appellant filed a letter agreeing the notice of appeal exceeded the time limit for a timely appeal and explained he waited to exhaust all options with the lower court prior to pursuing an appeal.

Pursuant to Texas Rule of Appellate Procedure 26.1, appellant's notice of appeal was due on November 24, 2020, but was not filed until November 30, 2020. Texas Rule of Appellate Procedure 26.1 establishes the deadline for filing a notice of appeal based on the date that the judgment was signed and not from the dates related to other actions at the trial court. See TEX. R. APP. P. 26.1(a).

The Court, having examined and fully considered appellee's response, the documents on file, and appellant's failure to timely perfect this appeal and failure to timely file a motion for extension, is of the opinion the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is hereby dismissed for want of jurisdiction. See TEX. R. APP. P. 42.3(a).

LETICIA HINOJOSA
Justice

Delivered and filed on the
1st day of July, 2021.