

NO. 12-09-00032-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***RICKEY T. TERRY,
APPELLANT***

§ *APPEAL FROM THE 7TH*

V.

§ *JUDICIAL DISTRICT COURT OF*

***SHERIFF J.B. SMITH,
SMITH COUNTY AND
SMITH COUNTY DETENTION,
APPELLEES***

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction pursuant to Texas Rule of Appellate Procedure 42.3(a). The trial court's judgment was signed on December 8, 2008. Under rule of appellate procedure 26.1(a), unless Appellant timely filed a motion for new trial or other postjudgment motion that extended the appellate deadlines, his notice of appeal was due to have been filed "within 30 days after the judgment [was] signed," i.e., January 7, 2009. Appellant did not file his notice of appeal until January 29, 2009, and had not previously filed any motions that extended the deadline for filing his notice of appeal.

On January 30, 2009, this court notified Appellant pursuant to Texas Rule of Appellate Procedure 42.3(a) that his notice of appeal was untimely. Appellant was further informed that unless the record was amended on or before February 9, 2009 to establish the jurisdiction of this court, the appeal would be dismissed. On February 13, 2009, Appellant filed a motion for extension of time to file his brief, but did not furnish any information showing the jurisdiction of this court. Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a). All pending motions are overruled as moot.

Opinion delivered February 18, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)