

**NO. 12-12-00426-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***ALFRED LEE STONE,***  
***APPELLANT***

§

***APPEAL FROM THE 349TH***

***V.***

§

***JUDICIAL DISTRICT COURT***

***WARDEN DAVID BELL,***  
***APPELLEE***

§

***HOUSTON COUNTY, TEXAS***

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***MEMORANDUM OPINION***  
***PER CURIAM***

This appeal is being dismissed for want of jurisdiction pursuant to Texas Rule of Appellate Procedure 42.3(a). The order Appellant seeks to appeal was signed by the trial court on September 24, 2012. Under the rules of appellate procedure, the notice of appeal must be filed within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. Therefore, Appellant's notice of appeal was due to have been filed no later than October 24, 2012. Appellant did not file his notice of appeal until December 18, 2012. Because Appellant's notice of appeal was not filed on or before October 24, 2012, it was untimely, and this court does not have jurisdiction of the appeal.

On January 9, 2013, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3, that his notice of appeal was untimely and there was no timely motion for an extension of time to file the notice of appeal. Appellant was also warned that the appeal would be dismissed unless, on or before January 22, 2013, the information in this appeal was amended to show the jurisdiction of this court.

The January 22, 2013 deadline has now passed, and Appellant has neither shown the jurisdiction of this court nor otherwise responded to its January 9, 2013 notice. 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).

Opinion delivered January 31, 2013.

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

(PUBLISH)



**COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**  
**JUDGMENT**

**JANUARY 31, 2013**

**NO. 12-12-00426-CV**

**ALFRED LEE STONE,**  
Appellant  
V.  
**WARDEN DAVID BELL,**  
Appellee

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Appeal from the 349th Judicial District Court  
of Houston County, Texas. (Tr.Ct.No.12-0084)

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THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*