



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

PROGRESSIVE COUNTY MUTUAL	§	No. 08-17-00071-CV
INSURANCE COMPANY,	§	
	§	Appeal from the
Appellant,	§	County Court at Law No. 6
V.	§	of El Paso County, Texas
ETG GLOBAL FINANCIAL	§	(TC# 2015DCV1948)
NETWORK LLC,	§	
Appellee.	§	

MEMORANDUM OPINION

This appeal is before the Court to determine whether we have jurisdiction. Finding that Appellant did not timely file its notice of appeal, we dismiss the appeal for lack of jurisdiction.

A civil appeal is perfected when the notice of appeal is timely filed. TEX.R.APP.P. 25.1, 26.1; *see Restrepo v. First National Bank of Dona Ana County, N.M.*, 892 S.W.2d 237, 238 (Tex.App.--El Paso 1995, no writ). If the notice of appeal is untimely, the appellate court lacks jurisdiction and must dismiss the case. *See Charette v. Fitzgerald*, 213 S.W.3d 505, 509 (Tex.App.--Houston [14th Dist.] 2006, no pet.). In an ordinary civil case, the notice of appeal must be filed within 30 days after the judgment or appealable order is signed or within 90 days if any party timely files a motion for new trial, motion to modify the judgment, motion to reinstate under TEX.R.CIV.P. 165a, or makes a request for findings of fact and conclusions of law.

TEX.R.APP.P. 26.1(a). The appellate court may extend the time to file the notice of appeal if, within fifteen days after the deadline passes, the appellant files (1) the notice of appeal in the trial court, and (2) a motion for extension of time complying with Rule 10.5(b). TEX.R.APP.P. 26.3; *see* TEX.R.APP.P. 10.5(b); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

The trial court entered an order dismissing the case for want of prosecution on November 1, 2016, and Appellant filed a timely motion to reinstate on November 23, 2016. Thus, the notice of appeal was due to be filed on or before January 30, 2017. Appellant did not file its notice of appeal until March 29, 2017. Because Appellant failed to timely file the notice of appeal, we dismiss the appeal for want of jurisdiction.

April 26, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.