



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ALBERTO PUENTES,	§	No. 08-21-00101-CV
Appellant,	§	Appeal from the
v.	§	388th Court District Court
LILIANA RODARTE,	§	of El Paso County, Texas
Appellee.	§	(TC#2018DCM8191)
	§	

MEMORANDUM OPINION

Appellant, Alberto Puentes, attempts to appeal from the order granting a Final Decree of Divorce, signed on December 30, 2020. We dismiss this appeal for want of jurisdiction.

This Court only has jurisdiction over final, appealable judgments or appealable interlocutory orders. *See* TEX.CIV.PRAC.&REM.CODE ANN. §§ 51.012, 51.014(a); *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998). Generally, a notice of appeal is due within thirty days after the final judgment is signed. *See* TEX.R.APP.P. 26.1. The deadline to file a notice of appeal is extended to ninety days after the date the judgment is signed if, within thirty days after the judgment is signed, a party timely files a motion for new trial. *See* TEX.R.APP.P. 26.1(a); TEX.R.CIV.P. 329b(a). To be considered timely, a motion for new trial must be filed within thirty days after the judgment is signed. *Id.*

Background

The trial court signed the final judgment on December 30, 2020, making January 29, 2021, the deadline for filing a notice of appeal. *See* TEX.R.APP.P. 26.1. Appellant did not file his notice of appeal until June 7, 2021. Appellant asserts his appeal is timely because he filed a motion for new trial. The district clerk's docketing certificate reflects a motion for new trial was filed with the trial court on February 12, 2021. The motion for new trial was filed after the expiration of thirty days in contravention of TEX.R.CIV.P. 329b(a).

Since the motion for new trial was untimely, Appellant's notice of appeal was due January 29, 2021. On June 7, 2021, this Court's clerk, pursuant to TEX.R.APP.P. 42.3(a), sent the parties a notice of the Court's intent to dismiss for want of jurisdiction if, within ten days of the notice, no party responded showing grounds to continue the appeal. No response has been received as of this date.

Without a timely filed notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX.R.APP.P. 25.1(b). We have given notice of our intent to dismiss and requested a response. Having received no response, we see no purpose that would be served by declining to dismiss this appeal at this stage of the proceedings. Pursuant to TEX.R.APP.P. 42.3(a), we dismiss the appeal for want of jurisdiction.

Conclusion

Accordingly, we dismiss this appeal for want of jurisdiction. *See* TEX.R.APP.P. 42.3(a); 43.2(f).

July 21, 2021

YVONNE T. RODRIGUEZ, Chief Justice

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