



In The

Eleventh Court of Appeals

No. 11-09-00012-CV

CHERYL PRESTON, Appellant

V.

**TEXAS HEALTH ENTERPRISES, INC. D/B/A
DEERINGS NURSING HOME, Appellee**

On Appeal from the 244th District Court

Ector County, Texas

Trial Court Cause No. C-102,500

MEMORANDUM OPINION

The trial court signed the judgment on October 28, 2008. A motion for new trial was not filed. On January 6, 2009, Cheryl Preston filed a pro se notice of appeal. We dismiss for want of jurisdiction.

The clerk of this court advised the parties that it appeared an appeal had not been timely perfected and directed Preston to respond showing grounds for continuing the appeal. Preston has

filed several documents in response. On February 11, 2009, Preston filed a motion to forgive the tardiness of her appeal.

Pursuant to TEX. R. APP. P. 26.1, the notice of appeal was due to be filed on or before December 1, 2008. To secure an extension of time to perfect the appeal, both the notice of appeal and a motion were due to be filed on or before December 16, 2008. TEX. R. APP. P. 26.3. Preston's notice of appeal was not filed until seventy days after the judgment was signed. Her letters, motion, and other documents do not comply with the requirements of *Verburgh v. Dorner*, 959 S.W.2d 615 (Tex. 1997). Therefore, Preston has failed to invoke the jurisdiction of this court.

The pro se motion is overruled, and the appeal is dismissed.

PER CURIAM

February 26, 2009

Panel consists of: Wright, C.J.,
McCall, J., and Strange, J.