

DISMISS; and Opinion Filed August 21, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00897-CV

**NUSRAT P. SINGH AND HARJINDER P. SINGH, Appellants
V.
HASAN F. HASHMI, M.D. AND SALMA HASHMI, Appellees**

**On Appeal from the County Court at Law No. 1
Dallas County, Texas
Trial Court Cause No. CC-09-06762-A**

MEMORANDUM OPINION

Before Justices FitzGerald, Francis, and Lewis
Opinion by Justice Lewis

This appeal from the trial court's February 20, 2013 final judgment was filed June 27, 2013. Appellants Nusrat P. Singh and Harjinder P. Singh timely filed a request for findings of fact and conclusions of law, making the deadline for filing the notice of appeal May 21, 2013, or with a timely extension motion, June 5, 2013. *See* TEX. R. APP. P. 26.1(a)(1), 26.3. Because the notice of appeal on its face appeared untimely, we directed appellants, by letter dated July 24, 2013, to file a letter brief addressing our jurisdiction over the appeal. That same day, appellees Hasan F. Hashmi, M.D. and Salma Hashmi, filed a motion to dismiss the appeal for lack of jurisdiction. Although more than ten days have passed since our letter and the filing of appellees' motion, appellants have not responded or otherwise communicated with the Court.

Our jurisdiction is invoked upon the timely filing of a notice of appeal. *See* TEX. R. APP. P. 25.1(b); *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.). Appellants' notice of appeal, filed beyond the deadline set forth by the appellate rules, fails to invoke our jurisdiction. Accordingly, we grant appellees' motion and dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/David Lewis/

DAVID LEWIS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

NUSRAT P. SINGH AND HARJINDER P.
SINGH, Appellants

No. 05-13-00897-CV V.

HASAN F. HASHMI, M.D. AND SALMA
HASHMI, Appellees

On Appeal from the County Court at Law
No. 1, Dallas County, Texas

Trial Court Cause No. CC-09-06762-A.

Opinion delivered by Justice Lewis. Justices
FitzGerald and Francis participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees Hasan F. Hashmi, M.D. and Salma Hashmi recover their costs, if any, of this appeal from appellants Nusrat P. Singh and Harjinder P. Singh.

Judgment entered this 21st day of August, 2013.

/David Lewis/

DAVID LEWIS

JUSTICE