

**VACATE and DISMISS; and Opinion Filed January 20, 2016.**



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

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**No. 05-14-01434-CV**

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**KIBROM BELAI, Appellant  
V.  
CLIFF'S CHECK CASHING, Appellee**

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**On Appeal from the County Court at Law No. 2  
Dallas County, Texas  
Trial Court Cause No. CC-14-04339-B**

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**MEMORANDUM OPINION**

Before Chief Justice Wright and Justices Lang and Brown  
Opinion by Justice Brown

Appellant Kibrom Belai, acting pro se, sued appellee Cliff's Check Cashing in justice court, alleging Cliff's cashed a check stolen from his business without proper verification. Belai prevailed in the justice court after Cliff's did not appear for trial. Cliff's sought an appeal to the county court at law for a trial de novo and filed an appeal bond in the justice court. The county court eventually granted a summary judgment in favor of Cliff's and dismissed Belai's claims with prejudice. Belai appealed to this Court.

After the record was filed, we sent the parties a letter informing them that it appeared the appeal bond to appeal the justice court's judgment to the county court at law was filed one day late. We instructed the parties to address the jurisdiction of the county court in their briefs on the merits. Belai initially filed a one-page brief. This Court sent Belai a letter informing him that, for multiple reasons, his brief did not satisfy the requirements of the rules of appellate procedure.

See TEX. R. APP. P. 38.1. Our letter cautioned that failure to file an amended brief that complies with the appellate rules may result in dismissal of this appeal without further notice. Belai later filed an amended brief, but it does not comply with rule 38. (Further, it appears to be an excerpt from an appellate brief prepared by a lawyer in an unrelated case to which Belai was not a party.) Belai has not addressed the jurisdictional issue, and Cliff's has not filed a brief.

Despite the fact that we received no response to our jurisdictional inquiry, we are obligated to address jurisdiction sua sponte. See *M.O. Dental Lab v. Rape*, 139 S.W.3d 671, 673 (Tex. 2004) (citing *N.Y. Underwriters Ins. Co. v. Sanchez*, 799 S.W.2d 677, 678–79 (Tex. 1990)). A party may appeal a justice court's judgment by filing a bond, making a cash deposit, or making a sworn statement of inability to pay with the justice court within twenty-one days after the judgment is signed or after any motion to reinstate, motion to set aside, or motion for new trial is denied. TEX. R. CIV. P. 506.1(a). The appeal is perfected when the bond, cash deposit, or statement of inability to pay is filed in accordance with rule 506.1. *Id.* 506.1(h). Here, the justice court signed its judgment on June 26, 2014, and no post-judgment motions were filed. Twenty-one days after the signing of the justice court's judgment was July 17, 2014. Cliff's filed its appeal bond with the justice court on July 18, 2014, one day late. Because Cliff's did not timely file its appeal bond, it did not perfect an appeal to the county court and the county court had no jurisdiction to hear the appeal. See *Williams v. Schneiber*, 148 S.W.3d 581, 583 (Tex. App.—Fort Worth 2004, no pet.); *Searcy v. Sagullo*, 915 S.W.2d 595, 597 (Tex. App.—Houston [14th Dist.] 1996, no writ).

Appellate court jurisdiction of the merits of a case extends no further than that of the court from which the appeal is taken. *Dallas Cty. Appraisal Dist. v. Funds Recovery, Inc.*, 887 S.W.2d 465, 468 (Tex. App.—Dallas 1994, writ denied). If the trial court lacked jurisdiction, the appellate court has jurisdiction only to set aside the judgment and dismiss the cause. *Id.*

Accordingly, we vacate the county court's judgment and dismiss the case for want of jurisdiction. *See* TEX. R. APP. P. 43.2(e).

/Ada Brown/  
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ADA BROWN  
JUSTICE

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

**JUDGMENT**

KIBROM BELAI, Appellant

No. 05-14-01434-CV      V.

CLIFF'S CHECK CASHING, Appellee

On Appeal from the County Court at Law  
No. 2, Dallas County, Texas

Trial Court Cause No. CC-14-04339-B.

Opinion delivered by Justice Brown, Chief  
Justice Wright and Justice Lang  
participating.

In accordance with this Court's opinion of this date, we **VACATE** the trial court's October 31, 2014 judgment and **DISMISS** the appeal for want of jurisdiction.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 20th day of January, 2016.