

**DISMISSED; Opinion Filed June 28, 2016.**



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

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**No. 05-16-00092-CV**

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**BEAUTY ELITE PROPERTIES, INC., Appellant  
V.  
DALLAS COUNTY, TEXAS, Appellee**

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**On Appeal from the 116th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-15-08310**

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**MEMORANDUM OPINION**

Before Justices Myers, Stoddart, and Whitehill  
Opinion by Justice Myers

In a letter dated June 9, 2016, the Court questioned its jurisdiction over the appeal. Specifically, it appeared the notice of appeal was untimely. We instructed appellant to file a letter brief by June 20, 2016 addressing the jurisdictional issue and cautioned appellant that failure to file a letter brief by the specified deadline may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

When a party files a timely post-judgment motion extending the appellate timetable, the notice of appeal is due ninety days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a). Without a timely notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on September 24, 2015 and appellant filed a timely motion for new trial on Monday, October 26, 2015. Accordingly, the notice of appeal was due by December 23, 2015, ninety days after the date the judgment was signed. *See* TEX. R. APP. P. 26.1(a). Appellant filed a notice of appeal on January 28, 2016, thirty-six days past the deadline.<sup>1</sup>

Because appellant did not timely file a notice of appeal this Court lacks jurisdiction. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Lana Myers/  
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LANA MYERS  
JUSTICE

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<sup>1</sup> We note appellant states in the notice of appeal that it is appealing the trial court's "judgment or order" that was signed on December 31, 2015. The trial court's December 31, 2015 order denied appellant's motion for new trial. The deadline for filing a notice of appeal runs from the date the judgment is signed, not an order denying a motion for new trial. *See* TEX. R. APP. P. 26.1.



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

**JUDGMENT**

BEAUTY ELITE PROPERTIES, INC.,  
Appellant

No. 05-16-00092-CV      V.

DALLAS COUNTY, TEXAS, Appellee

On Appeal from the 116th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DC-15-08310.  
Opinion delivered by Justice Myers.  
Justices Stoddart and Whitehill participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee DALLAS COUNTY, TEXAS recover its costs of this appeal from appellant BEAUTY ELITE PROPERTIES, INC.

Judgment entered this 28th day of June, 2016.