

DISMISS and Opinion Filed May 17, 2016



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

No. 05-16-00216-CV

JERRY DAVIS, Appellant

V.

DALLAS COUNTY, CITY OF DALLAS, DALLAS INDEPENDENT SCHOOL DISTRICT, DALLAS COUNTY COMMUNITY COLLEGE DISTRICT, DALLAS COUNTY SCHOOL EQUALIZATION FUND, AND PARKLAND HOSPITAL DISTRICT, Appellees

**On Appeal from the 116th Judicial District Court
Dallas County, Texas
Trial Court Cause No. TX-15-00980**

MEMORANDUM OPINION

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

Appellant appeals from the trial court's judgment signed on January 25, 2016. In a letter dated March 25, 2016, the Court questioned its jurisdiction over the appeal because it appeared the notice of appeal was untimely. In that correspondence, we noted that the notice of appeal was filed within fifteen days of the deadline and we instructed appellant that he could cure the timeliness problem by filing, within ten days, a motion for extension of time to file the notice of appeal. *See* Tex. R. App. P. 26.3. We cautioned appellant that failure to file an extension motion by April 8, 2016 may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed an extension motion.

If no post-judgment motion extending the appellate timetable is filed, a notice of appeal is due thirty days after the date the judgment is signed. *See* Tex. R. App. P. 26.1. An extension of time may be granted if an appellant files a notice of appeal within fifteen days of the deadline and files a motion complying with rule of appellate procedure 10.5(b). *See* Tex. R. App. P. 26.3, 10.5(b). Without a timely filed notice of appeal, this Court lacks jurisdiction. Tex. R. App. P. 25.1(b).

The trial court signed the judgment on January 25, 2016. Appellant did not file any post-judgment motion extending the appellate deadline. Accordingly, the notice of appeal was due on February 24, 2016. *See* TEX. R. APP. P. 26.1. Appellant filed his notice of appeal on February 25, 2016, one day past the deadline. Although given an opportunity to cure the timeliness problem by filing a motion for extension, appellant has failed to do so. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Bill Whitehill/

BILL WHITEHILL
JUSTICE

160216F.P05



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

JUDGMENT

JERRY DAVIS, Appellant

No. 05-16-00216-CV V.

DALLAS COUNTY, CITY OF DALLAS,
DALLAS INDEPENDENT SCHOOL
DISTRICT, DALLAS COUNTY
COMMUNITY COLLEGE DISTRICT,
DALLAS COUNTY SCHOOL
EQUALIZATION FUND, AND
PARKLAND HOSPITAL DISTRICT,
Appellees

On Appeal from the 116th Judicial District
Court, Dallas County, Texas.

Trial Court Cause No. TX-15-00980.

Opinion delivered by Justice Whitehill.

Justices Myers and Stoddart participating.

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

It is **ORDERED** that appellees DALLAS COUNTY, CITY OF DALLAS, DALLAS INDEPENDENT SCHOOL DISTRICT, DALLAS COUNTY COMMUNITY COLLEGE DISTRICT, DALLAS COUNTY SCHOOL EQUALIZATION FUND, AND PARKLAND HOSPITAL DISTRICT recover their costs of this appeal from appellant JERRY DAVIS.

Judgment entered May 17, 2016.