

DISMISS and Opinion Filed July 29, 2016



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

No. 05-16-00532-CV

IN THE INTEREST OF E.G.B., A CHILD

**On Appeal from the 330th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-13-10116**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang-Miers and Stoddart
Opinion by Chief Justice Wright

By letter dated June 27, 2016, the Court questioned its jurisdiction over this appeal because it appeared the notice of appeal is untimely. We instructed appellant to file, by July 10, 2016, a letter brief addressing our concern and cautioned her that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellant has not responded.

If no timely 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. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on February 24, 2016. Because appellant did not file a post-judgment motion extending the appellate timetable, the notice of appeal was due on March 25, 2016, thirty days after the date the judgment was signed. *See* TEX. R. APP. P. 26.1. Appellant filed a notice of appeal on May 3, 2016, thirty-nine days past the due date. Because

appellant did not file a timely notice of appeal, this Court lacks jurisdiction over the appeal.

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/

CAROLYN WRIGHT

CHIEF JUSTICE

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

JUDGMENT

IN THE INTEREST OF E.G.B., A CHILD

No. 05-16-00532-CV

On Appeal from the 330th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DF-13-10116.
Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Stoddart
participating.

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

It is **ORDERED** that appellees JANICE LOHMANN AND WILLIAM LOHMANN
recover their costs of this appeal from appellant BRITTANY ALI.

Judgment entered July 29, 2016.