

**DISMISS and Opinion Filed August 23, 2016**



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

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**No. 05-16-00634-CV**

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**JANICE COOMBS, Appellant  
V.  
ALBERT J. JOHNSON, Appellee**

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**On Appeal from the 199th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 199-03915-2015**

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**MEMORANDUM OPINION**

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

Appellant appeals from the trial court's December 3, 2015 order of dismissal for want of prosecution. Appellant filed her notice of appeal on May 31, 2016.

If 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 filed post-judgment motion, the notice of appeal is due thirty days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1. In certain circumstances, a party may file a notice of restricted appeal within six months of the date the judgment is signed. *See* TEX. R. APP. P. 26.1(c). A notice of restricted appeal must include the required contents as set forth in rule of appellate procedure 25.1(d)(7)(A)-(C). *See* TEX. R. APP. P. 25.1(d)(7)(A)-(C). Without a timely notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

Appellant's notice of appeal was filed more than ninety days after the date the order was signed. Because it appeared she may have intended to file a notice of restricted appeal, we instructed appellant by letter to file, by July 1, 2016, an amended notice of appeal that sets forth all the required contents for a notice of restricted appeal. *See* TEX. R. APP. P. 25.1(d)(7)(A)-(C). We cautioned appellant that failure to file an amended notice of appeal 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. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), (c).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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

**JUDGMENT**

JANICE COOMBS, Appellant

No. 05-16-00634-CV      V.

ALBERT J. JOHNSON, Appellee

On Appeal from the 199th Judicial District  
Court, Collin County, Texas

Trial Court Cause No. 199-03915-2015.

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 appellee ALBERT J. JOHNSON recover his costs of this appeal from appellant JANICE COOMBS.

Judgment entered August 23, 2016.