

DISMISSED; Opinion Filed October 26, 2016.



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

No. 05-16-00937-CV

SHERRY XIAOHUA XING, Appellant

V.

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, Appellee

**On Appeal from the 304th Judicial District Court
Dallas County, Texas
Trial Court Cause No. 05-1296-W-304**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Evans
Opinion by Justice Lang

This appeal concerns a parental termination. The notice of appeal was due within twenty days of the April 21, 2016 order of dismissal or, with a timely extension motion, no later than May 26, 2016. *See* TEX. R. APP. P. 26.1(b), 28.4(a)(1). The clerk's record does not contain a copy of the notice of appeal, but our records reflect the notice of appeal was filed August 8, 2016.

By letter filed September 20, 2016, we directed appellant to provide the Court, no later than September 30, 2016, a letter brief explaining how the Court has jurisdiction over the appeal. *See Garza v. Hibernia Nat. Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.) (timely filing of notice of appeal is jurisdictional). We cautioned appellant that failure to

do so could result in dismissal of the appeal without further notice. To date, appellant has not filed the letter brief, and nothing before us demonstrates our jurisdiction.

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

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

160937F.P05



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

JUDGMENT

SHERRY XIAOHUA XING, Appellant

No. 05-16-00937-CV V.

TEXAS DEPARTMENT OF FAMILY
AND PROTECTIVE SERVICES, Appellee

On Appeal from the 304th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. 05-1296-W-304.
Opinion delivered by Justice Lang. Justices
Myers and Evans participating.

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

Judgment entered this 26th day of October, 2016.