

Dismissed and Opinion Filed February 13, 2017



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

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No. 05-16-01365-CV

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**IN THE INTEREST OF C.N.D. AND C.S.D., CHILDREN**

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**On Appeal from the 296th Judicial District Court**  
**Collin County, Texas**  
**Trial Court Cause No. 296-53157-2014**

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**MEMORANDUM OPINION**

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

Appellant seeks to appeal the trial court's February 12, 2016 judgment. Although due March 14, 2016, appellant filed his notice of appeal on November 16, 2016. *See* TEX. R. APP. P. 26.1 (notice of appeal must be filed within thirty days of judgment unless a motion for new trial, a motion to modify the judgment, a motion to reinstate under Texas Rules of Civil Procedure 165a, or request for findings of fact and conclusions of law is filed). Because the timely filing of a notice of appeal is jurisdictional, we informed appellant, by letter dated December 15, 2016, of the Court's concern regarding our lack of jurisdiction over this appeal. *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.). We instructed appellant to file a letter brief by December 27, 2016 addressing the Court's concern. Appellant complied, but rather than addressing the Court's concerns regarding jurisdiction, he addresses the merits of his appeal.

Because nothing before this Court demonstrates our jurisdiction, we dismiss this appeal.

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 C.N.D. AND  
C.S.D., CHILDREN

No. 05-16-01365-CV

On Appeal from the 296th Judicial District  
Court, Collin County, Texas  
Trial Court Cause No. 296-53157-2014.  
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, Tracy Duncan, recover her costs, if any, of this appeal from appellant Bobby Duncan.

Judgment entered February 13, 2017.