

Dismissed and Opinion Filed August 17, 2017.



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

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No. 05-17-00443-CV

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**DOMINIQUE KELLAM, Appellant**

**V.**

**THE HARBORS & PLUMTREE, Appellee**

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**On Appeal from the County Court at Law No. 2**  
**Dallas County, Texas**  
**Trial Court Cause No. CC-17-01916-B**

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**MEMORANDUM OPINION**

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

The Harbors & Plumtree filed a forcible detainer petition in the justice court to evict Dominique Kellam from an apartment she leased. The justice court awarded The Harbors & Plumtree possession, and Kellam appealed to the county court. *See* TEX. R. CIV. P. 510.9(a),(f). The county court, too, awarded The Harbors & Plumtree possession, and Kellam filed this appeal.

We questioned our jurisdiction over the appeal after a review of the clerk's record showed Kellam's appeal from justice court to county court was filed one-day late, depriving the county court, and this Court, of jurisdiction. *See id.* 510.9(a),(f); *Williams v. Schneiber*, 148 S.W.3d 581, 583 (Tex. App.—Fort Worth 2004, no pet.) (county court lacks jurisdiction over untimely-filed appeal from justice court); *Dallas Cty. App'l Dist. v. Funds Recovery, Inc.*, 887

S.W.2d 465, 468 (Tex. App.—Dallas 1994, writ denied) (appellate court’s jurisdiction over merits of case extends no further than that of court from which appeal is taken). We gave Kellam an opportunity to address our concern and cautioned her that failure to respond could result in dismissal of her appeal without further notice. However, more than ten days have passed, and she has failed to respond.

Because the county court lacked jurisdiction over the forcible detainer action, we do also. *See Williams*, 148 S.W.3d at 583; *Funds Recovery*, 887 S.W.2d at 468. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

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/Lana Myers/  
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LANA MYERS  
JUSTICE



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

**JUDGMENT**

DOMINIQUE KELLAM, Appellant

No. 05-17-00443-CV      V.

THE HARBORS & PLUMTREE, Appellee

On Appeal from the County Court at Law

No. 2, Dallas County, Texas

Trial Court Cause No. CC-17-01916-B.

Opinion delivered by Justice Myers. Justices

Lang and Stoddart participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered this 17th day of August, 2017.