

Dismissed; Opinion Filed February 22, 2018.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01355-CV

SERGIO AGUILAR, Appellant
V.
SERVICE LLOYDS INSURANCE CO., Appellee

On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-01742

MEMORANDUM OPINION

Before Justices Francis, Brown, and Stoddart
Opinion by Justice Stoddart

Sergio Aguilar appeals the trial court's order granting Service Lloyds Insurance Co.'s motion for summary judgment. After reviewing the clerk's record, the Court questioned its jurisdiction over this appeal because the notice of appeal was untimely filed. We instructed appellant to file a letter brief explaining how this Court has jurisdiction. Appellee has filed a motion to dismiss the appeal for want of jurisdiction. Appellant filed a letter brief but failed to address this Court's jurisdiction over the appeal.

When a party files a timely motion for new trial, a 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 notice of appeal this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on June 19, 2017. Because appellant filed a timely motion for new trial, the notice of appeal was due on Monday, September 18, 2017. *See* TEX. R. APP. P. 4.1, 26.1(a). Appellant filed a notice of appeal on November 27, 2017. Because the notice of appeal was untimely, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). We deny as moot appellee's motion to dismiss.

/Craig Stoddart/

CRAIG STODDART
JUSTICE

171355F.P05



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

JUDGMENT

SERGIO AGUILAR, Appellant

No. 05-17-01355-CV V.

SERVICE LLOYDS INSURANCE CO.,
Appellee

On Appeal from the 192nd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-16-01742.
Opinion delivered by Justice Stoddart.
Justices Francis and Brown participating.

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

It is **ORDERED** that appellee SERVICE LLOYDS INSURANCE CO. recover its costs of this appeal from appellant SERGIO AGUILAR.

Judgment entered this 22nd day of February, 2018.