

Dismiss and Opinion Filed September 27, 2018



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

No. 05-18-00737-CV

IN THE INTEREST OF O.D.F., A CHILD

**On Appeal from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-15-23736**

MEMORANDUM OPINION

Before Justices Bridges, Francis, and Lang-Miers
Opinion by Justice Francis

This is a restricted appeal from the trial court's January 25, 2017 order in suit affecting the parent-child relationship. The clerk's record reflects appellant did not participate in person or through counsel in the hearing that resulted in the challenged order and he did not timely file a post-judgment motion or request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 30. Accordingly, the notice of appeal was due no later than July 24, 2017 or, with an extension motion, no later than August 8, 2017. *See id.* 26.1(c), 26.3. The notice of appeal, however, was not filed until June 27, 2018, almost a year later.

Because the timely filing of a notice of appeal is jurisdictional, we directed appellant to file a letter brief addressing the Court's concern. *See Brashear v. Victoria Gardens of McKinney, L.L.C.*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh'g). Appellant

complied, but his letter does not demonstrate we have jurisdiction over the appeal. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Molly Francis/
MOLLY FRANCIS
JUSTICE

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

JUDGMENT

IN THE INTEREST OF O.D.F., A CHILD

No. 05-18-00737-CV

On Appeal from the 255th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DF-15-23736.
Opinion delivered by Justice Francis,
Justices Bridges and Lang-Miers
participating.

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

We **ORDER** appellee Arianne Nayeli Fernandez recover her costs, if any, of this appeal from appellant Omar Dario Fernandez.

Judgment entered September 27, 2018.