

DISMISS and Opinion Filed December 20, 2018



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

No. 05-18-01022-CV

ZACHARIAH C. MANNING, Appellant

V.

DALLAS INDEPENDENT SCHOOL DISTRICT, Appellee

**On Appeal from the 116th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-17-05980**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

This Court questioned its jurisdiction over this appeal as it appeared the notice of appeal was untimely. We instructed appellant to file a letter brief explaining how this Court has jurisdiction over the appeal and cautioned him that failure to do so may result in dismissal of the appeal without further notice. Appellant failed to comply.

When a timely post-judgment motion extending the appellate timetable is filed, a notice of appeal is due 90 days, or with an extension motion, 105 days, after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a); 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the appealed orders on May 18, 2018. Appellant filed a timely motion to reconsider on May 30, 2018. Accordingly, the notice of appeal was due on August 16,

2018 or, with an extension motion, August 31, 2018. *See id.* 26.1; 26.3. Appellant filed a notice of appeal on September 5, 2018. Because the notice of appeal was untimely, this Court lacks jurisdiction.

We dismiss the appeal. *See* TEX. R. APP. P. 42.3(a), (c).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

181022F.P05



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

JUDGMENT

ZACHARIAH C. MANNING, Appellant

No. 05-18-01022-CV V.

DALLAS INDEPENDENT SCHOOL
DISTRICT, Appellee

On Appeal from the 116th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-17-05980.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

It is **ORDERED** that appellee DALLAS INDEPENDENT SCHOOL DISTRICT recover its costs of this appeal from appellant ZACHARIAH C. MANNING.

Judgment entered December 20, 2018.