

DISMISS and Opinion Filed March 1, 2019



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

No. 05-18-01276-CV

**SID JOHNSON, Appellant
V.
JANE DOE, Appellee**

**On Appeal from the County Court at Law No. 2
Travis County, Texas
Trial Court Cause No. C-1-CV-18-000015**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Whitehill, and Justice Molberg
Opinion by Chief Justice Burns

By letter dated January 22, 2019, we questioned our jurisdiction over this appeal because the notice of appeal was untimely. When no timely post-judgment motion extending the appellate timetable is filed, a notice of appeal is due thirty days after the date the judgment is signed or, with an extension motion, forty-five days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1, 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See id.* 25.1(b).

The trial court signed the judgment on August 27, 2018. Appellant did not file any post-judgment motion extending the appellate timetable. Accordingly, the notice of appeal was due on September 26, 2018, thirty days after the date the judgment was signed. *See id.* 26.1. Appellant filed a notice of appeal on September 27, 2018. Because the notice of appeal was not filed more than fifteen days late, we informed appellant that he could remedy the timeliness problem by filing,

by February 1, 2019, a motion for extension of time to file the notice of appeal. *See id.* 26.3. We cautioned appellant that failure to file an extension motion within the time specified could result in dismissal of the appeal without further notice.

As of today's date, appellant has not filed a motion for extension of time to file the notice of appeal. Accordingly, we dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

/Robert D Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

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

JUDGMENT

SID JOHNSON, Appellant

No. 05-18-01276-CV V.

JANE DOE, Appellee

On Appeal from the County Court at Law
No. 2, Travis County, Texas
Trial Court Cause No. C-1-CV-18-000015.
Opinion delivered by Chief Justice Burns.
Justices Whitehill and Molberg
participating.

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

Judgment entered March 1, 2019