

DISMISS and Opinion Filed September 27, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00969-CV

CARLOUS A.L. VAUGHN, Appellant
V.
YOLONDA E. HARDIN, Appellee

On Appeal from the 68th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-01921

MEMORANDUM OPINION

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

We questioned our jurisdiction over this appeal as it appeared untimely. *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) (timely filing of notice of appeal is jurisdictional). The appealed order, an order of dismissal, was signed March 12, 2019. Because a motion to reinstate was timely filed, the notice of appeal was due no later than June 10, 2019 or, with an extension motion, no later than June 25, 2019. *See* Tex. R. App. P. 26.1(a). The notice of appeal, however, was not filed until August 12, 2019.

By letter dated August 22, 2019, we directed appellant to file a letter brief addressing our jurisdiction and cautioned that failure to respond by September 3, 2019 could result in dismissal of the appeal without further notice. *See id.* 42.3(a),(c). To date, appellant has not

responded. Accordingly, because the record before us reflects the notice of appeal was not timely filed, 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

CARLOUS A. L. VAUGHN, Appellant

No. 05-19-00969-CV V.

YOLONDA E. HARDIN, Appellee

On Appeal from the 68th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-18-01921.

Opinion delivered by Chief Justice Burns,
Justices Whitehill and Nowell participating.

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

Judgment entered September 27, 2019