

**DISMISS and Opinion Filed August 17, 2022**



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

---

**No. 05-22-00154-CV**

---

**TINA JOHNSON, Appellant  
V.  
DARLENE BIVENS, Appellee**

---

**On Appeal from the 330th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-21-00382**

---

**MEMORANDUM OPINION**

Before Justices Molberg, Reichel, and Garcia  
Opinion by Justice Molberg

We questioned our jurisdiction over this appeal because it appeared the notice of appeal was untimely. We directed appellant to file a letter brief addressing the jurisdictional issue with an opportunity for appellee to respond.

When a party does not file a timely post-judgment motion extending the appellate timetable, a notice of appeal is due thirty days after the judgment is signed or, with an extension motion, fifteen days after the deadline. *See* TEX. R. APP. P. 26.1(a), 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *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 jurisdictional).

The trial court signed the order dismissing the case for want of prosecution on April 12, 2021. Because appellant did not file a timely post-judgment motion extending the appellate timetable, the notice of appeal was due on May 12, 2021 or, with an extension motion, May 27, 2021. *See* TEX. R. APP. P. 26.1, 26.3. Appellant filed a notice of appeal on February 14, 2022.

Appellant filed a letter brief explaining that she did not timely file her notice of appeal due to medical reasons, a pending criminal proceeding, and her financial circumstances. This Court has no authority to extend the time for filing a notice of appeal. *See* TEX. R. APP. P. 2. For this reason, we dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

220154f.p05

/Ken Molberg//  
KEN MOLBERG  
JUSTICE



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

**JUDGMENT**

TINA JOHNSON, Appellant

No. 05-22-00154-CV        V.

DARLENE BIVENS, Appellee

On Appeal from the 330th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DF-21-00382.  
Opinion delivered by Justice  
Molberg. Justices Reichek and  
Garcia participating.

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

Judgment entered this 17<sup>th</sup> day of August, 2022.