

**DISMISS and Opinion Filed July 27, 2022**



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

---

**No. 05-22-00300-CV**

---

**DOREATHA ROBINSON, Appellant**

**V.**

**THE OAKS 4614 LLC, INDIVIDUALLY AND D/B/A THE OAKS  
APARTMENTS, MBP TEXAS, LLC, INDIVIDUALLY AND D/B/A  
CATALYST MULTIFAMILY MANAGEMENT AND D/B/A CATALYST  
MULTIFAMILY, AND ROSCOE PROPERTIES, INC., Appellees**

---

**On Appeal from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-17-04167**

---

**MEMORANDUM OPINION**

Before Justices Schenck, Osborne, and Smith  
Opinion by Justice Osborne

The Court questioned its jurisdiction over this appeal as it appeared the notice of appeal was untimely. We directed appellant to file a letter brief addressing the Court's concern. Although appellant filed a letter, she failed to address the jurisdictional issue.

When a party files a timely post-judgment motion extending the appellate timetable, a notice of appeal is due ninety days or, with an extension motion, fifteen days after the due date. *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, LLC*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh’g) (timely notice of appeal is jurisdictional).

The trial court signed the judgment on July 30, 2018. The record reflects appellant filed a letter on August 20, 2018 asking the trial court to “withdraw” the judgment.<sup>1</sup> Construing the letter as a motion for new trial, the notice of appeal should have been filed no later than October 29, 2018 or, with an extension motion, no later than November 13, 2018. *See* TEX. R. APP. P. 4.1(a), 26.1(a), 26.3. Appellant filed the notice of appeal on April 5, 2022, more than three years past the due date.

Because appellant failed to file a timely notice of appeal, we dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

220300f.p05

/Leslie Osborne//  
LESLIE OSBORNE  
JUSTICE

---

<sup>1</sup> This order is viewable on the trial court’s website.



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

**JUDGMENT**

DOREATHA ROBINSON,  
Appellant

No. 05-22-00300-CV      V.

THE OAKS 4614 LLC,  
INDIVIDUALLY AND D/B/A THE  
OAKS APARTMENTS, MBP  
TEXAS, LLC, INDIVIDUALLY  
AND D/B/A CATALYST  
MULTIFAMILY MANAGEMENT  
AND D/B/A CATALYST  
MULTIFAMILY, AND ROSCOE  
PROPERTIES, INC., Appellees

On Appeal from the 68th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-17-04167.  
Opinion delivered by Justice  
Osborne. Justices Schenck and Smith  
participating.

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

Judgment entered this 27<sup>th</sup> day of July, 2022.