

Opinion issued July 28, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00295-CV

ARCHIE RICHARD RAINES, Appellant

V.

GRAND OAKS HOMEOWNERS ASSOCIATION, INC., Appellee

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Cause No. 944364**

MEMORANDUM OPINION

Appellant Archie Richard Raines attempts to appeal from the trial court's judgment signed December 18, 2009.

Generally, a notice of appeal is due within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is extended to 90 days after the date the judgment is signed if any party timely files a motion for new trial, motion to modify the judgment, motion to reinstate, or, under certain circumstances, a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1(a). To be considered timely, a motion for new trial must be filed within 30 days after the judgment is signed. TEX. R. CIV. P. 329b(a).

Here, the trial court signed the final judgment on December 18, 2009. A motion for new trial was due by Tuesday, January 19, 2010. *See* TEX. R. CIV. P. 329b(a); TEX. R. APP. P. 4.1(a). The record shows that appellant timely filed his motion for new trial on January 19, 2010.

Because his motion for new trial was timely filed, the deadline to file the notice of appeal was extended to March 18, 2010, which is 90 days after the date the judgment was signed. *See* TEX. R. APP. P. 26.1(a)(1). Appellant did not file a notice of appeal until April 5, 2010. Appellant's notice of appeal was untimely filed. Without a timely filed notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 25.1.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Sharp and Brown.