

Opinion issued November 22, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00364-CV

ELDA LUMBRERAS, Appellant

V.

ALLY FINANCIAL INC, Appellee

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Case No. 1045333**

MEMORANDUM OPINION

Appellant Elda Lumbreras filed a notice of appeal on May 3, 2016, stating that she desired to appeal a judgment signed on December 11, 2015. Appellant filed a motion for new trial on January 11, 2016. Because the notice of appeal was not timely filed, we dismiss.

As a general rule, a notice of appeal is due within thirty days after the signing of the judgment. *See* TEX. R. APP. P. 26.1. The deadline is extended to ninety days after the judgment is signed if a party files a timely post-judgment motion under Rule 329b, or in some cases, a request for findings of fact and conclusions of law. *See id.*; TEX. R. CIV. P. 329b(a), (g).

Appellant's notice of appeal is untimely. The motion for new trial extended the deadline for filing the notice of appeal to March 11, 2016. The notice of appeal filed on May 3, 2016 was more than 140 days after the date of judgment and more than 50 days after the deadline for filing the notice of appeal. Without a timely filed notice of appeal, this court lacks jurisdiction. *See* TEX. R. APP. P. 25.1. We notified appellant of our intent to dismiss and allowed an opportunity to respond, but appellant filed no response. *See* TEX. R. APP. P. 42.3.

Because we have no jurisdiction, we dismiss this appeal.* TEX. R. APP. P. 42.3(a); 43.2(f). Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Massengale, Brown, and Huddle.

* The appeal in cause number 01-16-00235-CV of the February 9, 2016 order dismissing the bill of review is unaffected by this opinion and judgment and remains pending.