

Opinion issued October 12, 2021



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-21-00296-CV

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**JESSE BARINI ANASSI, Appellant**

**V.**

**OFFICE OF THE ATTORNEY GENERAL OF TEXAS, Appellee**

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**On Appeal from the 247th District Court  
Harris County, Texas  
Trial Court Case No. 2020-23821**

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**MEMORANDUM OPINION**

This is a case involving a petition for confirmation of a non-agreed child support review order filed by the Attorney General of Texas. After a hearing, the trial court signed a non-agreed child support review order on August 14, 2020. Appellant filed a motion for new trial on August 27, 2020, which extended the

deadline to file a notice of appeal until ninety days after the final judgment was signed. *See* TEX. R. APP. P. 26.1. Ninety days from August 14, 2020 would have been November 12, 2020. The clerk's record contains no notice of appeal filed on or before November 12, 2020.

On March 3, 2021, appellant filed a motion to vacate the judgment. On May 20, 2021, the trial court signed an order denying appellant's motion to vacate. Appellant filed a notice of appeal on June 7, 2021, stating that he was appealing the trial court's order denying his motion to vacate.

An order denying a motion to vacate is not independently appealable. *See In re Estate of Garza*, No. 13-14-00730-CV, 2015 WL 3799370, at \*4 (Tex. App.—Corpus Christi-Edinburgh June 18, 2015, no pet.); *see also Blank v. Nuszen*, No. 01-18-00379-CV, 2019 WL 3783326, at \*1 (Tex. App.—Houston [1st Dist.] Aug. 13, 2019, no pet.) (citing to *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) for proposition that trial court order denying motion to vacate is not appealable or final judgment because it does not dispose of all parties and claims). Even if we were to construe appellant's notice of appeal as a bona fide attempt to appeal from the final judgment signed on August 14, 2020, the notice of appeal was filed too late to confer jurisdiction on this Court. *See* TEX. R. APP. P. 25.1(b) (filing of notice of appeal invokes appellate court's jurisdiction); *Verburgt v. Dorner*, 959 S.W.2d 615,

617 (Tex. 1997) (once time has passed for extending deadline for filing notice of appeal, party can no longer invoke appellate court's jurisdiction).

The Court issued a notice on August 24, 2021 advising appellant that the appeal was subject to dismissal for want of jurisdiction unless appellant filed a response by September 3, 2021 establishing our jurisdiction. Appellant filed no response. On September 29, 2021, appellee filed a brief, arguing that the appeal should be dismissed for lack of jurisdiction.

Accordingly, the appeal is dismissed for lack of jurisdiction. Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Kelly, Hightower, and Farris.