

Opinion issued September 28, 2021



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

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NO. 01-21-00365-CV

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**VIVIAN ALFORD, Appellant**

**V.**

**BRAD SNYDER, M.D., BARBARA STOLL, M.D., GIUSEPPE N.  
COLASURDO, M.D., AND UT PHYSICIANS, Appellees**

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**On Appeal from the 127th District Court  
Harris County, Texas  
Trial Court Case No. 2019-88452**

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**MEMORANDUM OPINION**

Appellant, Vivian Alford, filed a notice of appeal of the trial court's September 19, 2020 final judgment. We dismiss the appeal for lack of jurisdiction.

Generally, a notice of appeal is due within thirty days after the trial court signs its judgment. *See* TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is

extended to ninety days after the judgment is signed if, within thirty days after the judgment is signed, a 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); *see also* TEX. R. CIV. P. 329b. The time to file a notice of appeal may also be extended if, within fifteen days after the deadline to file the notice of appeal, a party files a notice of appeal and a motion for extension of time to file a notice of appeal that complies with Texas Rule of Appellate Procedure 10.5(b). *See* TEX. R. APP. P. 10.5(b), 26.3.

Here, the trial court signed the final judgment on September 19, 2020. The record does not reflect that any post-judgment motions extending the notice-of-appeal deadline were filed. Appellant's notice of appeal was due within thirty days after the trial court's judgment was signed—on or before October 19, 2020—or by November 3, 2020, with a fifteen-day extension. TEX. R. APP. P. 26.1, 26.3. Appellant filed her notice of appeal on July 1, 2021.

Without a timely filed notice of appeal, we lack jurisdiction over an appeal. *See* TEX. R. APP. P. 25.1. On September 2, 2021, the Clerk of this Court notified appellant that her appeal was subject to dismissal for lack of jurisdiction unless, by September 16, 2021, appellant filed a written response demonstrating that this Court has jurisdiction over her appeal. *See* TEX. R. APP. P. 42.3(a). Appellant did not adequately respond. On September 17, 2021, appellees, Brad Snyder, M.D., Barbara

Stoll, M.D., and Giuseppe N. Colasurdo, M.D., filed a motion to dismiss the appeal for lack of jurisdiction.

Accordingly, we grant the motion to dismiss the appeal for lack of jurisdiction.

*See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Goodman, Landau, and Countiss.