

Opinion issued August 2, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00105-CV

GARY L. MILBURN, Appellant

V.

TIFFANY C. HILL, Appellee

**On Appeal from the 387th District Court
Fort Bend County, Texas
Trial Court Case No. 18-DCV-253121**

MEMORANDUM OPINION

Appellant, Gary L. Milburn, attempts to appeal from the trial court's judgment signed November 5, 2021.

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). The time to file a notice of appeal may also be extended if, within 15 days after the deadline to file the notice of appeal, a party properly files a motion for extension. *See* TEX. R. APP. P. 10.5(b), 26.3.

The record reflects that the trial court signed the final judgment on November 5, 2021. Appellant timely filed a motion for new trial on December 5, 2021. *See* TEX. R. CIV. P. 329b(a). Therefore, appellant's notice of appeal was due by February 3, 2022. *See* TEX. R. APP. P. 26.1(a).

Appellant untimely filed his notice of appeal on February 15, 2022. Without a timely filed notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 25.1.

On April 12, 2022, we notified appellant that his appeal was subject to dismissal for want of jurisdiction unless, by April 22, 2022, he filed a response showing grounds for continuing the appeal. *See* TEX. R. APP. P. 42.3(a). Appellant has not filed a response.

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

PER CURIAM

Panel consists of Justices Chief Justice Radack and Justices Goodman and Hightower.