

Dismissed and Memorandum Opinion filed March 17, 2011.



In The

**Fourteenth Court of Appeals**

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NO. 14-11-00044-CV

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ANTHONY R. JONES, Appellant

V.

SOUTHERN STAR CONCRETE, Appellee

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On Appeal from the 215th District Court  
Harris County, Texas  
Trial Court Cause No. 2009-39815

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**MEMORANDUM OPINION**

This is an appeal from a judgment signed October 1, 2010. Appellant filed a timely motion for new trial. The notice of appeal was due December 30, 2010. *See* TEX. R. APP. P. 26.1. Appellant, however, filed his notice of appeal on January 10, 2011, a date within 15 days of the due date for the notice of appeal. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Appellant did not file a motion to extend time to file the notice of appeal. On February 8, 2011, we ordered appellant to file a proper motion to extend time to file the notice of appeal on or before February 28, 2011. *See* TEX. R. APP.

P. 26.3;10.5(b). Appellant did not file a motion. We, therefore, dismiss the appeal. *See* Tex. R. App. P. 42.3.

PER CURIAM

Panel consists of Justices Brown, Boyce, and Jamison.