



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00543-CV

EX PARTE Daniel TREVINO

From the 38th Judicial District Court, Uvalde County, Texas
Trial Court No. 2011-09-28303-CV
Honorable Camile G. Dubose, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: October 9, 2013

DISMISSED FOR WANT OF JURISDICTION

The trial court signed an order denying appellant's request for an expunction on November 19, 2012. Because appellant did not timely file a motion for new trial or other motion that would extend the deadline for filing the notice of appeal, the notice of appeal was due on or before December 19, 2013.¹ *See* TEX. R. APP. P. 26.1(a). A motion for extension of time to file the notice of appeal was due on January 3, 2013. *See* TEX. R. APP. P. 26.3. Appellant did not file his notice of appeal until August 12, 2013, and no extension of time to file the notice of appeal was filed until August 29, 2013.

¹ Appellant filed a motion for reconsideration, but it was not filed until February 1, 2013, and was therefore untimely. *See* TEX. R. CIV. P. 329b; TEX. R. APP. P. 26.1(a).

Based on the foregoing, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response, but it does not establish this court has jurisdiction over the appeal. “[O]nce the period for granting a motion for extension of time under Rule [26.3] has passed, a party can no longer invoke the appellate court’s jurisdiction. *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing predecessor to Rule 26.3). Accordingly, we dismiss this appeal for lack of jurisdiction.

PER CURIAM