



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00120-CV

THREE THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS (\$3,535.00) United
States Currency,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 45th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-11848
Honorable Peter Sakai, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: June 29, 2016

DISMISSED FOR LACK OF JURISDICTION

The trial court signed a final judgment on July 21, 2015. Appellant, an inmate, filed a timely motion to vacate judgment or, in the alternative, modify judgment on August 20, 2015. Therefore, the notice of appeal was due to be filed on October 19, 2015. *See* TEX. R. APP. P. 26.1(a). The clerk's record reflects that Appellant's notice of appeal was not filed until March 4, 2016. The clerk's record also reflects that the envelope containing the notice of appeal was stamped on March 1, 2016. It therefore appears that appellant did not file a timely notice of appeal. *See Warner v. Glass*, 135 S.W.3d 681, 682 (Tex. 2004) ("Consistent with the Inmate Litigation Act and Rule 5

of the Texas Rules of Civil Procedure, we hold that a pro se inmate's petition that is placed in a properly addressed and stamped envelope or wrapper is deemed filed at the moment prison authorities receive the document for mailing.”). Without a timely filed notice of appeal, we do not have jurisdiction over this appeal.

We therefore ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has not filed a response showing that we have jurisdiction over this appeal. We dismiss this appeal for lack of jurisdiction.

PER CURIAM