



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00106-CV

Patricia J. Snowden **KARDELL**,
Appellant

v.

LA SALLE COUNTY, TEXAS,
Appellee

From the 218th Judicial District Court, La Salle County, Texas
Trial Court No. 13-11-00266-CVL-A
Honorable Donna S. Rayes, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
 Patricia O. Alvarez, Justice
 Luz Elena D. Chapa, Justice

Delivered and Filed: April 3, 2019

DISMISSED FOR LACK OF JURISDICTION

The trial court signed an order on November 1, 2018, which was made final by an order of severance also signed on November 1, 2018. Because appellant did not file a motion for new trial, motion to modify the judgment, motion for reinstatement, or request for findings of fact and conclusions of law, the notice of appeal was due to be filed on December 3, 2018. *See* TEX. R. APP. P. 26.1(a).

Appellant filed a notice of appeal on February 1, 2019; however, her notice of appeal stated she did not receive actual notice of the trial court's order until December 3, 2018. Appellant filed

a motion in the trial court pursuant to Rule 306a to determine the date on which her deadline for filing post-trial motions and her notice of appeal commenced. As noted, however, appellant stated in her notice of appeal that she had actual notice of the trial court's order on December 3, 2018. Even accepting December 3, 2018 is the date on which her deadline for filing her notice of appeal commenced, appellant's notice of appeal was due to be filed on January 2, 2019, and a motion for extension of time to file her notice of appeal was due on January 17, 2019. As previously noted, appellant's notice of appeal was filed on February 1, 2019.

"[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. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing the predecessor to Rule 26). Because the notice of appeal appeared to have been untimely filed even accepting appellant did not have actual notice of the trial court's order until December 3, 2018, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. *See id.* Appellant did not respond to our order. Because appellant's notice of appeal was untimely filed, this appeal is dismissed for lack of jurisdiction.

PER CURIAM