



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-23-00738-CV

Jason PAUL,
Appellant

v.

THE GROVE,
Appellee

From the County Court at Law No. 3, Bexar County, Texas
Trial Court No. 2018CV04906
Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: September 20, 2023

DISMISSED FOR LACK OF JURISDICTION

On July 10, 2023, appellant filed a pro se notice of appeal seeking to appeal a judgment in trial court cause number 2018-CV-04906. On August 15, 2023, the district clerk filed the clerk's record showing the trial court signed a final judgment in that cause number on August 31, 2018.

A timely notice of appeal is necessary to invoke this court's jurisdiction. *Sweed v. Nye*, 323 S.W.3d 873, 875–76 (Tex. 2010); *Verburgt v. Dorner*, 959 S.W.2d 615, 616 (Tex. 1997); TEX. R. APP. P. 25.1(b) (providing appeal is perfected when a notice of appeal is filed). Rules 26.1 and 26.3 of the Texas Rules of Appellate Procedure prescribe the time period during which a notice of

appeal or a motion for extension of time to file a notice of appeal must be filed to perfect an appeal in a civil case. *See id.* R. 26.1, 26.3. They provide when a party does not file a timely post-judgment motion extending the appellate timetable, a notice of appeal is due either thirty days after the final judgment is signed or fifteen days later so long as an extension motion is simultaneously filed. *See* TEX. R. APP. P. 26.1, 26.3. Because appellant did not file a timely post-judgment motion extending the appellate timetable, the notice of appeal was due by September 4, 2018 or September 19, 2018 along with an extension motion. *See* TEX. R. APP. P. 4.1(a), 26.1(a), 26.3.

Because appellant did not file his notice of appeal until July 10, 2023, it appeared untimely filed, and we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We cautioned appellant if he failed to respond to our order by the date ordered, we would dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 42.3. Appellant did not file a response. We therefore dismiss this appeal for lack of jurisdiction. *See id.*

PER CURIAM