

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-431 CV

BRANDON LANARD MCDONALD, Appellant

V.

OFFICER F. COFFIN THREE, ET AL., Appellees

**On Appeal from the 172nd District Court
Jefferson County, Texas
Trial Cause No. E-178,300**

MEMORANDUM OPINION

On October 16, 2008, we notified the parties that the notice of appeal did not appear to have been timely filed. The appellant filed a reply to our correspondence but failed to establish that he invoked the jurisdiction of this Court in a timely manner. The trial court signed the judgment on April 8, 2008, and the appellate timetables were not extended by the timely filing of post-judgment motions. Notice of appeal was due to be filed on May 8, 2008. *See* TEX. R. APP. P. 26.1. Appellant filed notice of appeal on October 7, 2008, more than

thirty days from the date of judgment and outside the time for which we may grant an extension of time to perfect appeal. *See* TEX. R. APP. P. 26.3. This Court lacks jurisdiction over this appeal.

Accordingly, we dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered December 4, 2008
Before McKeithen, C.J., Kreger and Horton, JJ.