

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00186-CV

JERRY MCGAUGHY, Appellant

V.

**CIRCLE PLUMBING, INC. A/K/A AND D/B/A CIRCLE PLUMBING CO.,
Appellee**

**On Appeal from the 9th District Court
Montgomery County, Texas
Trial Cause No. 09-11-11063 CV**

MEMORANDUM OPINION

On May 5, 2011, we notified the parties that the notice of appeal did not appear to have been timely filed. The appellant did not reply to our correspondence. The trial court signed the judgment on May 10, 2010, and the appellate timetables were not extended by the timely filing of post-judgment motions. To be timely, notice of restricted appeal had to be filed within six months of the date of the judgment. *See* Tex. R. App. P. 26.1(c). Appellant filed a notice of restricted appeal on March 22, 2011, more than six months 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 June 16, 2011
Before Gaultney, Kreger, and Horton, JJ.