

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-14-00545-CV

CHARLES RAY MASON, Appellant

V.

TINA D. ROAN, Appellee

On Appeal from the 411th District Court
Polk County, Texas
Trial Cause No. CIV23935

MEMORANDUM OPINION

On December 16, 2014, Charles Ray Mason filed a notice of appeal. On December 17, 2014, we notified Mason that the time for perfecting an appeal ran from the date of the trial court's order dismissing the suit for want of prosecution, and we questioned our jurisdiction. Mason filed a reply to our letter in which he alleges that the trial court signed an order dismissing the case for want of prosecution on December 9, 2011. Mason stated in "Plaintiff's Verified Motion to Reinstate" which was filed on or about October 28, 2014, that he first received

notice that the case had been dismissed in October 2014. On December 5, 2014, the trial court signed an order denying Mason's motion to reinstate. Mason argues that this Court has jurisdiction to hear his appeal because he contends he timely filed his notice of appeal after the December 5, 2014 order denying his motion to reinstate. We disagree.

The time for filing a notice of appeal runs from the date of the dismissal order, not the date the trial court rules on a motion to reinstate. *Hartford Ins. Grp. v. Perez*, No. 05-11-00195-CV, 2011 Tex. App. LEXIS 4460, at *2 (Tex. App.—Dallas June 13, 2011, no pet.); *Weik v. Second Baptist Church of Houston*, 988 S.W.2d 437, 438 (Tex. App.—Houston [1st Dist.] 1999, pet. denied). Mason failed to perfect an appeal by filing a notice of appeal within the time permitted for either a regular or a restricted appeal. *See* Tex. R. App. P. 26.1. We dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on January 21, 2015
Opinion Delivered January 22, 2015

Before Kreger, Horton, and Johnson, JJ.