

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00024-CR

MICHAEL LYNN MIZE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 258th District Court
Polk County, Texas
Trial Cause No. 22329

MEMORANDUM OPINION

The trial court sentenced Michael Lynn Mize on December 9, 2015. Mize filed a notice of appeal on January 29, 2016, more than thirty days after sentencing. We notified the parties that our jurisdiction was not apparent from the notice of appeal, and notified them that the appeal would be dismissed for want of jurisdiction unless we received a response showing grounds for continuing the appeal. Mize filed a response in which he argues that he timely filed a notice of appeal from the trial court's January 13, 2016, order denying Mize's motion to

enter a judgment nunc pro tunc. Relief from the denial of a motion for judgment nunc pro tunc is through application for writ of mandamus in a court of appeals. *Ex parte Florence*, 319 S.W.3d 695, 696 (Tex. Crim. App. 2010). We hold the order denying Mize's motion for judgment nunc pro tunc is not appealable. *See Everett v. State*, 82 S.W.3d 735, 735 (Tex. App.—Waco 2002, pet. dismissed); *Allen v. State*, 20 S.W.3d 164, 165 (Tex. App.—Texarkana 2000, no pet.). The appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on March 22, 2016
Opinion Delivered March 23, 2016
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.