



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00456-CV

MATT MATINI AND ANDRE MATINI
D/B/A JTF BUSINESS SYSTEMS,
AND JTF BUSINESS SYSTEMS

APPELLANTS

V.

LOW T CENTER LLC

APPELLEE

FROM COUNTY COURT AT LAW NO. 3 OF TARRANT COUNTY
TRIAL COURT NO. 2014-005724-3

MEMORANDUM OPINION¹

Appellants appeal from a final summary judgment signed on June 24, 2016. Appellants timely filed a motion for new trial on July 25, 2016. See Tex. R. Civ. P. 4, 329b(a). Therefore, their notice of appeal was due September 22,

¹See Tex. R. App. P. 47.4.

2016. See Tex. R. App. P. 26.1(a)(1). Appellants did not file their notice of appeal until October 31, 2016.

On December 5, 2016, we notified the parties of our concern that we lack jurisdiction over this appeal because the notice of appeal was not timely filed. We informed the parties that this appeal may be dismissed for want of jurisdiction unless appellants or any party desiring to continue the appeal filed with the court, on or before December 15, 2016, a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3.

Appellants responded by letter on January 11, 2017, stating that they “withdraw their notice of appeal and docketing statement.” We construe appellants’ letter as a motion to dismiss the appeal. See Tex. R. App. P. 42.1(a)(1).

We grant appellants’ motion and dismiss the appeal. See Tex. R. App. P. 42.1(a), 43.2(f).

PER CURIAM

PANEL: KERR, J.; LIVINGSTON, C.J.; and PITTMAN, J.

DELIVERED: February 23, 2017