



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00319-CV

TOMMIE DENSON, Appellant

V.

CAPT N. SMITH AND C.O. ANGELLO SCHILLINGFORD, Appellees

On Appeal from the 89th District Court
Wichita County, Texas
Trial Court No. 188,463-C

Before Meier, Gabriel, and Kerr, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

On October 11, 2018, we notified Appellant Tommie Denson of our concern that we may not have jurisdiction over this appeal because the notice of appeal was not timely filed. The trial court's judgment was signed on August 13, 2018, and no postjudgment motion was filed to extend the appellate deadline, so the notice of appeal was due September 12, 2018, but was not filed until October 4, 2018. *See* Tex. R. App. P. 26.1. And because Denson's handwritten notice of appeal is dated September 27, 2018, we further asked him to advise us whether he properly addressed, stamped, and delivered the notice of appeal to the prison mailbox for mailing to the trial court clerk on or before the last day for filing a motion to extend the time to file the notice of appeal—September 27, 2018—and if so, to provide us with a reasonable explanation for the late filing. *See* Tex. R. App. P. 9.2(b), 26.3, 10.5(b)(2)(A). We have received no response. The filing of a notice of appeal invokes jurisdiction in this court, and absent a timely filed notice of appeal or timely filed motion for extension of time to file a notice of appeal, we must dismiss the appeal. *See* Tex. R. App. P. 25.1(b); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Accordingly, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

Per Curiam

Delivered: November 29, 2018