



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

No. 02-20-00111-CV

VIET DUC TRAN, Appellant

v.

BLU SMILE GROUP, INC., Appellee

On Appeal from the 48th District Court
Tarrant County, Texas
Trial Court No. 048-301888-18

Before Sudderth, C.J.; Womack and Wallach, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Viet Duc Tran, proceeding pro se, filed a notice of appeal on April 8, 2020, attempting to appeal the trial court’s final judgment signed on March 4, 2020. Because we were concerned that we lacked jurisdiction to entertain this appeal, we sent Tran two separate letters—one on April 9, 2020, and the other on June 16, 2020—stating that it appeared that he had failed to timely file his notice of appeal. *See* Tex. R. App. P. 26.1. We also informed Tran that unless he “or any party desiring to continue the appeal files with the court a response showing a reasonable explanation for the late filing of the notice of appeal, this appeal may be dismissed for want of jurisdiction.” *See* Tex. R. App. P. 10.5(b), 26.3(b), 42.3(a). We have not received a response.

The timely filing of a notice of appeal is jurisdictional in this court. *Howlett v. Tarrant Cty.*, 301 S.W.3d 840, 843 (Tex. App.—Fort Worth 2009, pet. denied) (op. on reh’g) (citing *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997)); *In re K.M.Z.*, 178 S.W.3d 432, 433 (Tex. App.—Fort Worth 2005, no pet.). The trial court’s judgment was signed on March 4, 2020, and no postjudgment motion was filed to extend the appellate deadline. *See* Tex. R. App. P. 26.1(a). Thus, Tran’s notice of appeal was due April 3, 2020, but was not filed until April 8, 2020. *See* Tex. R. App. P. 26.1. Because Tran’s notice of appeal was untimely and because he has failed to file a response showing a reasonable explanation for the late filing, we dismiss this appeal. *See* Tex. R. App. P. 26.1, 42.3(a), (c), 43.2(f).

/s/ Dana Womack

Dana Womack
Justice

Delivered: July 16, 2020