



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

No. 02-22-00455-CV

TYWANA K. CROSBY, Appellant

v.

MAURO OLMOS, Appellee

On Appeal from the 67th District Court
Tarrant County, Texas
Trial Court No. 067-323901-21

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Tywana K. Crosby, proceeding pro se, attempts to appeal from the trial court's October 11, 2022 take-nothing judgment against her. Because her notice of appeal was filed too late, we dismiss the appeal for want of jurisdiction.

Because the trial court's judgment was entered on October 11, 2022, and no post-judgment motion was filed to extend the appellate deadline, Crosby's notice of appeal was due on November 10, 2022. *See* Tex. R. App. P. 26.1. However, Crosby did not file her notice of appeal until November 16, 2022. We notified Crosby of our concern that we lack jurisdiction because of her late-filed notice of appeal, and we warned her that this appeal could be dismissed absent a reasonable explanation for the late filing. *See* Tex. R. App. P. 10.5(b), 26.3(b), 42.3(a).

Crosby responded that someone named "Bernice Gutierrez at McCormick Law" informed her that her appeal was due on November 11, 2022. Crosby stated that, because November 11 was a national holiday, she filed her notice of appeal the following Monday, November 14, 2022. However, our record reflects that Crosby's notice of appeal was not filed until November 16, 2022, and she has provided us with no reasonable explanation for this.

The time for filing a notice of appeal is jurisdictional in this court, and absent a timely-filed notice of appeal or a 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); *In re J.M.*, No. 02-17-00171-CV, 2017 WL 2686326, at *1 (Tex. App.—Fort Worth June 22, 2017, no pet.) (mem. op.).

Because Crosby's notice of appeal was filed too late, we must dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

/s/ Brian Walker

Brian Walker
Justice

Delivered: December 22, 2022