



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

No. 02-23-00437-CV

JOSEF EDWIN THOMAS, Appellant

v.

SUNATHA THOMAS, Appellee

On Appeal from the 322nd District Court
Tarrant County, Texas
Trial Court No. 322-656273-19

Before Womack, Wallach, and Walker, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Josef Edwin Thomas attempts to appeal from the trial court’s final divorce decree signed on August 16, 2023. Appellant’s notice of appeal was due on September 15, 2023—thirty days after the final divorce decree was signed. *See* Tex. R. App. P. 26.1. But Appellant did not file his notice of appeal until November 15, 2023, making it untimely. *See id.*

On November 16, 2023, we notified the parties by letter of our concern that we lack jurisdiction over this appeal because the notice of appeal was untimely. *See id.*; *In re K.M.Z.*, 178 S.W.3d 432, 433 (Tex. App.—Fort Worth 2005, no pet.) (explaining that “[t]he timely filing of a notice of appeal is jurisdictional in this court”). We warned that we could dismiss this appeal for want of jurisdiction unless Appellant or any party wanting to continue the appeal filed a response by November 27, 2023, showing grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a), 44.3.

On November 27, 2023, we received a document from Appellant titled “Condonation of Delay,” which we construe as a response to our jurisdiction letter. That response does not show grounds for continuing the appeal.¹ Because

¹As best as we can glean from his response, Appellant attempts to justify the untimeliness of his notice of appeal by claiming that the trial court did not grant an “Agreed Motion for Continuance” that he had emailed the trial court coordinator prior to the signing of the final divorce decree and that the trial court had “declined to accept [his] submission of 35 pieces of evidence” prior to signing the decree. Appellant also sent us a copy of the “Agreed Motion for Continuance,” which is dated eleven days before the final divorce decree was signed. Those complaints—that the trial court did not sign the “Agreed Motion for Continuance” and that it failed to

Appellant’s notice of appeal was untimely, and because he has not shown grounds for continuing the appeal, we dismiss it for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f); *Green v. Green*, No. 02-22-00221-CV, 2022 WL 2978606, at *1 (Tex. App.—Fort Worth July 28, 2022, no pet.) (mem. op.) (dismissing appeal of final divorce decree because notice of appeal was untimely).

/s/ Dana Womack

Dana Womack
Justice

Delivered: December 7, 2023

consider certain evidence—have no bearing on the timeliness of Appellant’s notice of appeal.