



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00221-CV

DENISA DIANE POWELL, APPELLANT

V.

DANE LAY POWELL, APPELLEE

**On Appeal from the 118th District Court
Howard County, Texas
Trial Court No. 45,565; Honorable Timothy D. Yeats, Presiding**

August 7, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant, Denisa Diane Powell, appearing *pro se*, attempts to appeal an order denying her motion to enforce a final decree of divorce.¹ We dismiss the appeal for want of jurisdiction.

¹ On June 23, 2017, this case was transferred from the Eleventh Court of Appeals to this court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (West 2013).

In 2010, the trial court issued the *Final Decree of Divorce* between Denisa and Appellee, Dane Lay Powell. In 2015, Denisa filed a motion to enforce the divorce decree which was later denied by the trial court. The *Order Denying Motion to Enforce* was signed on February 17, 2016. Because no post-judgment motions or request for findings were filed, Denisa's notice of appeal was due thirty days after the order was signed, by March 18, 2016. See TEX. R. APP. P. 26.1(a) (A notice of appeal is due within thirty days after a judgment or appealable order is signed or within ninety days if a motion for new trial, motion to modify the judgment, motion to reinstate, or request for findings of fact and conclusions of law is timely filed.). Denisa did not file her notice of appeal, however, until June 15, 2017.

By letter dated June 19, 2017, the clerk of the Eleventh Court of Appeals notified Denisa that her notice of appeal from the *Final Decree of Divorce* appeared untimely and directed her to file a response. The appeal was subsequently transferred to this court. On June 30, Denisa filed a response indicating that she sought to appeal the *Order Denying Motion to Enforce*. By letter dated July 7, this court notified Denisa that her notice of appeal from the *Order Denying Motion to Enforce* also appeared untimely. We directed her to file a response showing grounds for continuing the appeal by July 17, and advised her that failure to comply could result in dismissal of the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a). Denisa did not respond to this court's notice.

A timely notice of appeal is essential to invoking this court's jurisdiction. See TEX. R. APP. P. 25.1(b), 26.1; *Verburgt v. Dorner*, 959 S.W.2d 615, 616 (Tex. 1997). Notwithstanding that the Texas Supreme Court has directed us to construe the Rules of

Appellate Procedure reasonably and liberally so that the right of appeal is not lost by imposing requirements not absolutely necessary to effect the purpose of those rules, *Verburgt*, 959 S.W.2d at 616-17, we are prohibited from enlarging the time for perfecting an appeal in a civil case. See TEX. R. APP. P. 2 (providing that we may not suspend a rule's operation or order a different procedure to alter the time for perfecting an appeal). This court has no discretion to permit Denisa's untimely filed notice of appeal to confer jurisdiction over this appeal.

Accordingly, Denisa's purported appeal is dismissed for want of jurisdiction and failure to comply with an order of this court. See TEX. R. APP. P. 42.3(a), (c).

Per Curiam