



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

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No. 07-21-00246-CV

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**CARL EUGENE SMITH, APPELLANT**

**V.**

**CONCEPCION PORTILLO, APPELLEE**

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**On Appeal from the County Court  
Lamb County, Texas  
Trial Court No. CC-3394, Honorable James M. DeLoach, Presiding**

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**November 9, 2021**

**MEMORANDUM OPINION**

**Before, QUINN, C.J., and PIRTLE and DOSS, JJ.**

Appellant, Carl Eugene Smith, appearing pro se, appeals from the trial court's order granting the motion for summary judgment of Appellee, Concepcion Portillo, and dismissing all of Smith's claims. The trial court signed said order on June 1, 2021. As no post-judgment motions were filed, a notice of appeal was due within thirty days thereafter, by July 1, 2021. TEX. R. APP. P. 26.1(a). Smith filed a notice of appeal on October 12, 2021.

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, 616-17 (Tex. 1997). By letter of October 15, 2021, we notified Smith that his notice of appeal appeared untimely and directed him to file a response by October 25 showing grounds for continuing the appeal or the appeal would be dismissed for want of jurisdiction. Smith has not filed a response or had any further communication with this Court to date.

Accordingly, we dismiss Smith's untimely appeal for want of jurisdiction. TEX. R. APP. P. 42.3(a).

Per Curiam