



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-08-00326-CV**

**LAWRENCE EDWARD THOMPSON,**

**Appellant**

**v.**

**WHITNEY FRANKS, ET AL,**

**Appellee**

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**From the 12th District Court  
Walker County, Texas  
Trial Court No. 19,542**

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**MEMORANDUM OPINION**

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The trial court signed an order dismissing this case for want of prosecution on June 13, 2005. Appellant filed a "request for the record" on February 16, 2006, requesting a copy of the record to pursue a bill of review and alleging that he did not receive notice of the June 13, 2005 dismissal order until January 2006. No motion under Rule of Civil Procedure 306a(4), (5) was filed, and no timely notice of appeal was filed as to the June 13, 2005 dismissal order. *See* TEX. R. CIV. P. 306a(4), (5); TEX. R. APP. P. 26.1(a), (c). The clerk's record does not contain a reinstatement order.

Thereafter, the trial court signed a second order dismissing this case for want of prosecution on August 25, 2008, and Appellant filed his notice of appeal as to that dismissal order on September 9, 2008.

The trial court's plenary power over the June 13, 2005 dismissal order had expired before the August 25, 2008 dismissal order was signed. *See* TEX. R. CIV. P. 329b(d), (e). We notified Appellant by letter that it appeared that we lack jurisdiction over this appeal because a timely notice of appeal was not filed as to the June 13, 2005 dismissal order. *See* TEX. R. APP. P. 26.1(a), (c). We further notified Appellant that we might dismiss the appeal for want of jurisdiction unless we received a response showing grounds for continuing the appeal. Appellant has not responded.

We dismiss this appeal for lack of jurisdiction. TEX. R. APP. P. 42.3(a).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis  
Dismissed  
Opinion delivered and filed June 24, 2009  
[CV06]