



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00402-CV

**THE HOUSING AUTHORITY
OF THE CITY OF CORSICANA TEXAS,**

Appellant

v.

GLEND A CLEVELAND & ALL OCCUPANTS,

Appellees

**From the County Court
Navarro County, Texas
Trial Court No. CO 9400**

MEMORANDUM OPINION

The Housing Authority of the City of Corsicana attempts to appeal from the trial court's judgment denying the Housing Authority's petition for forcible detainer. By letter dated November 16, 2012, the Clerk of this Court notified the Housing Authority that the appeal was subject to dismissal because it appeared that the notice of appeal was untimely. *See* TEX. R. APP. P. 26.1(a). The Clerk also warned the Housing Authority

that the appeal would be dismissed unless, within 21 days of the date of the letter, a response was filed showing grounds for continuing the appeal. *See* TEX. R. APP. P. 44.3.

We received a response from the Housing Authority indicating that the delay in filing the appeal was due to the lower court's failure to file findings of fact and conclusions of law as requested. If a party files a request for findings of fact and conclusions of law that extends the time in which to file the notice of appeal, the notice of appeal must still be filed within 90 days after the judgment is signed. TEX. R. APP. P. 26.1(a)(4). The judgment was signed on June 14, 2012, and the notice of appeal was filed on October 22, 2012. The notice of appeal was not filed within 90 days after the judgment was signed. The response from the Housing Authority does not show grounds for continuing the appeal.

Accordingly, this appeal is dismissed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed February 7, 2013
[CV06]