

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00196-CV

Eric Van Zandt, Appellant

v.

Prescott Legal Search, Inc. and Larry Prescott, Appellees

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 201ST JUDICIAL DISTRICT
NO. GN501708, HONORABLE WILLIAM E. BENDER, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Eric Van Zandt seeks to appeal from a district court judgment rendered October 10, 2005, dismissing his petition for bill of review as untimely and without merit. Van Zandt filed a motion for new trial and a request for findings of fact and conclusions of law on November 19, 2005. The district court denied the motion for new trial on January 3, 2006.¹ Van Zandt filed an untimely notice of appeal with the district court clerk on March 22, 2006, 163 days after the judgment dismissing his petition for bill of review was signed. *See* Tex. R. App. P. 26.1(a) (requiring notice of appeal to be filed within 90 days after judgment is signed). Even if the time for filing the notice of appeal could have been extended by fifteen days under rule 26.3, Van Zandt's

¹ It is unclear whether the district court had plenary power to render its order. *See* Tex. R. Civ. P. 329b.

March 22, 2006 notice of appeal from an October 10, 2005 judgment was untimely. *See* Tex. R. App. P. 26.3; *cf. Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

All parties were provided notice of this Court's intent to dismiss this appeal for lack of jurisdiction on July 7, 2006. *See* Tex. R. App. P. 42.3(a). We lack jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. *Id.*; *Grondona v. Sutton*, 991 S.W.2d 90, 93 (Tex. App.—Austin 1998, pet. denied).

Bob Pemberton, Justice

Before Chief Justice Law, Justices Patterson and Pemberton

Dismissed for Want of Jurisdiction

Filed: August 9, 2006