

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-07-00683-CV**

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**David Disraeli, Appellant**

**v.**

**Crenshaw Athletic Club, Inc., Appellee**

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**FROM TRAVIS COUNTY COURT AT LAW NO. 1  
NO. C-1-CV-06-006547, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

David Disraeli appeals a final judgment that was signed on August 17, 2007. Disraeli filed a timely motion for new trial. Because a timely motion for new trial was filed, the notice of appeal was due by November 15, 2007, 90 days from the date the judgment was signed. *See* Tex. R. App. P. 26.1(a)(1). However, notice of appeal in this case was not filed until December 4, 2007. Disraeli simultaneously filed a motion for extension of time in which to file his notice of appeal. Pursuant to Tex. R. App. P. 26.3, both the notice of appeal and the motion for extension of time are due to be filed within fifteen days of the original deadline for filing the notice of appeal. In the present case, the motion for extension of time and the notice of appeal were filed outside of the additional fifteen-day limit. As a result, the notice of appeal was not timely filed. Accordingly, the motion for extension of time is overruled, and the appeal is dismissed for want of jurisdiction.

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Diane Henson, Justice

Before Chief Justice Law, Justices Waldrop and Henson

Dismissed for Want of Jurisdiction

Filed: January 15, 2008