

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00216-CV

Randal Mach, Appellant

v.

The County of Bastrop, Texas, Appellee

**FROM THE DISTRICT COURT OF BASTROP COUNTY, 335TH JUDICIAL DISTRICT
NO. 11, 949, HONORABLE CARSON TALMADGE CAMPBELL, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Randal Mach seeks to appeal a final summary judgment that was signed on January 28, 2015. According to the clerk record's record, no post-judgment motion was filed, and consequently, Mach's deadline to file his notice of appeal was February 27, 2015. *See* Tex. R. App. P. 25.1 (appeal is generally perfected in civil case when notice of appeal is filed within 30 days after judgment is signed); 26.1(a) (when motion for new trial or other post-judgment motion is filed, notice appeal must be filed within 90 days after judgment is signed). Mach did not file his notice of appeal until March 24, 2015.¹

¹ Mach's deadline to file his notice of appeal could have been extended if, no later than March 16, 2015, he had filed either a notice of appeal or a motion for extension of time. *See* Tex. R. App. P. 26.3 (allowing fifteen-day extension of notice of appeal deadline on appellant's motion); *see also Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (motion for extension of time implied when appellant files notice of appeal within fifteen days of deadline for filing notice of appeal). Mach never sought an extension of time and his notice of appeal was filed outside of this fifteen-day window.

On June 17, 2015, the Clerk of this Court sent a letter to Mach, stating that it appeared from the clerk's record that his notice of appeal was not timely filed and that, as a result, we lacked jurisdiction over his appeal. *See* Tex. R. App. P. 25.1(b) (filing of notice of appeal invokes appellate jurisdiction). The Clerk requested a response from Mach no later than June 29, 2015, and advised Mach that he must inform the Court of the basis on which jurisdiction exists or his appeal would be dismissed for want of jurisdiction. To date, Mach has not responded to our request. Because Mach's notice of appeal is untimely, this Court lacks jurisdiction to consider this appeal. Accordingly, we dismiss the cause for want of jurisdiction. *See* Tex. R. App. P. 42.3.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Jurisdiction

Filed: July 17, 2015