TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00519-CV

Enedino Ramirez, Appellant

v.

Daniel Cano, Jr., Appellee

FROM COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. C-1-CV-14-000136, THE HONORABLE ERIC SHEPPERD, JUDGE PRESIDING

M E M O R A N D U M   O P I N I O N

On March 7, 2019, the trial court signed an order that dismissed Enedino Ramirez's suit against Daniel Cano, Jr., for want of prosecution. Ramirez timely filed a motion to reinstate, which the trial court denied on April 25, 2019. *See* Tex. R. Civ. P. 165a(a)(3). Under the Rules of Appellate Procedure, Ramirez's motion to reinstate extended the deadline for filing his notice of appeal to June 5, 2019, ninety days after the trial court signed the dismissal order. *See* Tex. R. App. P. 26.1(a)(3).

On July 25, 2019, Ramirez filed a notice of appeal challenging the trial court's denial of his motion to reinstate. Because the notice of appeal was filed more than ninety days after the trial court signed its dismissal order, Ramirez's notice of appeal was untimely. *See Weik v. Second Baptist Church of Hous.*, 988 S.W.2d 437, 438 (Tex. App.—Houston [1st Dist.] 1999, pet. denied) (holding that deadline to perfect appeal runs from date of dismissal order, not from date of trial court's ruling on motion to reinstate). On September 30, 2019, the Clerk of

this Court sent Ramirez a letter informing him that it appeared from the record that his appeal was untimely and that his appeal would be dismissed for want of jurisdiction if he did not provide us within ten days proof of timely mailing of his notice of appeal. More than ten days have elapsed, and we have received no response from Ramirez.

Because Ramirez did not timely file his notice of appeal, we do not have jurisdiction to consider this appeal. *See* Tex. R. App. P. 25.1(b). We dismiss this appeal for want of jurisdiction. *See id.* R. 42.3(a).

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Chari L. Kelly, Justice

Before Justices Goodwin, Baker, and Kelly

Dismissed for Want of Jurisdiction

Filed: November 22, 2019