



**NUMBER 13-16-00517-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**STEVEN PEREZ,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 117th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Perkes, and Longoria  
Memorandum Opinion Per Curiam**

Appellant, Steven Perez, proceeding pro se, attempts to appeal an “order dismissing his petition for writ of audita querela.” On September 30, 2016, the Clerk of this Court notified appellant that it appeared there was no final, appealable judgment, that the writ of audita querela is not available in Texas, and requested correction of this defect within ten days or the appeal would be dismissed. Appellant has responded that he is

filing his notice of appeal prematurely and that relief is available by writ of audita querela. We dismiss this appeal for want of jurisdiction.

An appellate court has the obligation to determine its own jurisdiction. See *Ramirez v. State*, 89 S.W.3d 222, 225 (Tex. App.—Corpus Christi 2002, no pet.); *Yarbrough v. State*, 57 S.W.3d 611, 615 (Tex. App.—Texarkana 2001, pet. ref'd); see also *Laureles v. State*, No. 13-13-00535-CR, 2014 WL 1669102, at \*1 (Tex. App.—Corpus Christi Apr. 24, 2014, no pet.) (mem. op., not designated for publication). A defendant's notice of appeal must be filed within thirty days after the trial court enters an appealable order. See TEX. R. APP. P. 26.2(a)(1). A notice of appeal which complies with the requirements of Rule 26 is essential to vest the court of appeals with jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). If an appeal is not timely perfected, a court of appeals does not obtain jurisdiction to address the merits of the appeal. *Id.* Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

The Court, having examined and fully considered the notice of appeal and response filed by appellant, is of the opinion appellant's appeal is premature. An appealable order has not been entered by the trial court and this Court lacks jurisdiction over the matters herein. Accordingly, this appeal is DISMISSED for lack of jurisdiction.

PER CURIAM

Do not publish.  
See TEX. R. APP. P. 47.2(b).

Delivered and filed the  
3rd day of November, 2016.