



NUMBER 13-21-00142-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

DA-NA ALLEN, TDCJ #1460759,

Appellant,

v.

**JEFFREY RICHARDSON AND
YOLANDA MARTIN,**

Appellees.

**On appeal from the 156th District Court
of Bee County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Silva
Memorandum Opinion by Justice Silva**

Appellant Da-Na Allen, TDCJ #1460759, proceeding pro se, filed a notice of appeal from an "Order of Dismissal and Final Judgment" (the judgment) in trial court cause number BCV20001120 in the 156th District Court of Bee County, Texas. The judgment

was signed on March 24, 2021, and appellant filed his notice of appeal on May 3, 2021. On May 10, 2021, the Clerk of this Court notified appellant that his notice of appeal had not been timely filed, requested correction of this defect, if possible, and advised appellant that the appeal would be dismissed if the defect were not corrected within ten days. See TEX. R. APP. P. 37.1, 42.3(a). Appellant did not respond to the Clerk's notice or otherwise show that his appeal had been timely filed.

Absent a timely filed notice of appeal, an appellate court lacks jurisdiction over the appeal. See *In re United Servs. Auto. Ass'n*, 307 S.W.3d 299, 307 (Tex. 2010) (orig. proceeding); *Jarrell v. Bergdorf*, 580 S.W.3d 463, 466 (Tex. App.—Houston [14th Dist.] 2019, no pet.); *Baker v. Regency Nursing & Rehab. Ctrs., Inc.*, 534 S.W.3d 684, 684–85 (Tex. App.—Corpus Christi–Edinburg 2017, no pet.). Generally, a notice of appeal is due within thirty days after the judgment is signed. See TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is extended to ninety days after the date the judgment is signed if, within thirty days after the judgment is signed, any party timely files a motion for new trial, motion to modify the judgment, motion to reinstate, or, under certain circumstances, a request for findings of fact and conclusions of law. See *id.* R. 26.1(a); TEX. R. CIV. P. 296, 329b(a),(g); *Young v. Di Ferrante*, 553 S.W.3d 125, 128 (Tex. App.—Houston [14th Dist.] 2018, pet. denied).

The Court, having examined and fully considered the documents on file and the applicable law, is of the opinion that this appeal should be dismissed. The judgment was signed on March 24, 2021. The clerk's record does not indicate that any post-judgment motions were filed, and thus appellant's notice of appeal was due on April 23, 2021, but

it was not filed until May 3, 2021. Accordingly, we dismiss this appeal for lack of jurisdiction. TEX. R. APP. P. 42.3(a).

CLARISSA SILVA
Justice

Delivered and filed on the
29th day of July, 2021.