

NO. 12-10-00430-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JOSE B. DE LA CERDA,
APPELLANT

§

APPEAL FROM THE 87TH

V.

§

JUDICIAL DISTRICT COURT

SUZAN VAUGHN,
APPELLEE

§

ANDERSON COUNTY, TEXAS

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of jurisdiction pursuant to Texas Rule of Appellate Procedure 42.3(a). The trial court's judgment was signed on October 12, 2010. Under the rules of appellate procedure, the notice of appeal must be filed within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. Appellant did not file a motion for new trial. *See* TEX. R. APP. P. 26.1(a) (providing that notice of appeal must be filed within ninety days after judgment signed if any party timely files motion for new trial). Therefore, Appellant's notice of appeal was due to have been filed no later than November 11, 2010. Appellant did not file his notice of appeal until December 15, 2010. Because Appellant's notice of appeal was not filed on or before November 11, 2010, it was untimely, and this court has no jurisdiction of the appeal.

On December 29, 2010, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3, that his notice of appeal was untimely and there was no timely motion for an extension of time to file the notice of appeal. Appellant was further informed that the appeal would be dismissed unless, on or before January 13, 2011, the information in this appeal is amended to show the jurisdiction of this court. On January 11, 2011, Appellant filed an amended notice of appeal and a motion to extend the time for filing his

notice of appeal. However, his motion is untimely, *see* TEX. R. APP. P. 26.3, and he has not otherwise shown the jurisdiction of this court.

Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, the appeal is *dismissed for want of jurisdiction*. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered January 12, 2011.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)