

NO. 12-11-00070-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BILLY G. COLVIN,
APPELLANT***

§

APPEAL FROM THE 87TH

V.

§

JUDICIAL DISTRICT COURT

***T.D.C.J.-C.I.D.,
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 January 10, 2011. Under rule of appellate procedure 26.1, the notice of appeal must be filed within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. Therefore, his notice of appeal was due to have been filed no later than February 9, 2011. Appellant's notice of appeal was not filed until February 18, 2011. Because Appellant's notice of appeal was not filed on or before February 9, 2011, it was untimely.

On March 4, 2011, this court notified Appellant pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3 that his notice of appeal was untimely. Appellant was further informed that the notice of appeal was filed before the deadline for a motion to extend time for filing the notice of appeal as provided in Texas Rule of Appellate Procedure 26.3. Therefore, our notice continued, a motion to extend the time for filing would be implied in accordance with *Verburgt v. Dorner*, 959 S.W.2d 615, 615 (Tex. 1997). Appellant was notified, however, that the appeal would be dismissed for want of jurisdiction unless he notified the court in writing, on or before March 14, 2011, of facts that reasonably explain his need for an extension of time to file the notice of appeal. *See id.* The deadline for responding to this court's notice has expired, and

Appellant has not responded to the March 4, 2011 notice. Consequently, this court is without jurisdiction of the appeal. *See id.*

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 March 16, 2011.

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

(PUBLISH)