

NO. 12-14-00233-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***CLIFFORD FAIRFAX,
APPELLANT***

§ ***APPEAL FROM THE 3RD***

V.

§ ***JUDICIAL DISTRICT COURT***

***BRAD LIVINGSTON, ET AL,
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 June 24, 2014. 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 July 24, 2014. Appellant did not file his notice of appeal until August 11, 2014. Because Appellant's notice of appeal was not filed on or before July 24, 2014, it was untimely, and this court has no jurisdiction of the appeal.

On August 15, 2014, 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 August 25, 2014, the information filed in this appeal was amended to show the jurisdiction of this court. The August 25, 2014 deadline has now passed, and Appellant has neither shown the jurisdiction of this court or otherwise responded to its August 15, 2014 notice. Accordingly, the appeal is *dismissed for want of jurisdiction*. *See* TEX. R. APP. P. 37.1, 42.3(a).

Opinion delivered August 27, 2014.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

AUGUST 27, 2014

NO. 12-14-00233-CV

CLIFFORD FAIRFAX,
Appellant
V.
BRAD LIVINGSTON, ET AL,
Appellee

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 3-42087)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.