

**NO. 12-16-00044-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***TONY TEAL,  
APPELLANT***

§ ***APPEAL FROM THE***

***V.***

§ ***COUNTY COURT AT LAW NO. 4***

***MICHAEL MCCORD,  
APPELLEE***

§ ***DALLAS COUNTY, TEXAS***

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***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 November 6, 2015. Under rule of appellate procedure 26.1, the notice of appeal must be filed within thirty days after the judgment is signed. Appellant, Tony Teal, 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, his notice of appeal was due to have been filed no later than December 7, 2015. *See* TEX. R. APP. P. 26.1. Teal did not file his notice of appeal until December 17, 2015. Because the notice of appeal was not filed on or before December 7, 2015, it was untimely.

On February 9, 2016, this court notified Teal pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3 that his notice of appeal was untimely, but that this court would imply a motion to extend the time for filing the notice of appeal. *See Verburgt v. Dornier*, 959 S.W.2d 615, 615 (Tex. 1997). Teal was further informed that the appeal would be dismissed unless, on or before February 19, 2016, he informed the court in writing of facts that reasonably explain his need for an extension of time to file the notice of appeal. The deadline for responding to this court's notice has expired, and Teal has not responded to the notice.

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 February 29, 2016.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

FEBRUARY 29, 2016

NO. 12-16-00044-CV

TONY TEAL,  
Appellant  
V.  
MICHAEL MCCORD,  
Appellee

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Appeal from the County Court at Law No. 4  
of Dallas County, Texas (Tr.Ct.No. CC-15-05323-D)

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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., Hoyle, J. and Neeley, J.*