

NO. 12-16-00242-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

EX PARTE: § *APPEAL FROM THE 3RD*
DONALD RAY BISCAMP § *JUDICIAL DISTRICT COURT*
§ *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 July 1, 2016. Under rule of appellate procedure 26.1, the notice of appeal must be filed within thirty days after the judgment is signed. Appellant, Donald Ray Biscamp, 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 August 1, 2016. Wilkinson did not file his notice of appeal until August 5, 2016. Because the notice of appeal was not filed on or before August 1, 2016, it was untimely.

On September 1, 2016, this Court notified Biscamp 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. Dorner*, 959 S.W.2d 615, 615 (Tex. 1997). Biscamp was further informed that the appeal would be dismissed unless, on or before September 12, 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 Biscamp 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 September 21, 2016.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 21, 2016

NO. 12-16-00242-CV

EX PARTE: DONALD RAY BISCAMP,

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. DCCV16-171-3)

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.