

**NO. 12-19-00226-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***WILLIAM D. WALLER, JR.,  
APPELLANT***

§ ***APPEAL FROM THE 2ND***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***SUSAN J. WALLER, DOROTHY REID  
WALLER AND ALICIA G. TENNISON,  
APPELLEES***

§ ***CHEROKEE COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

William D. Waller, Jr., acting pro se, filed a notice of appeal to challenge a judgment signed on May 1, 2019. 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. The record does not indicate that Appellant filed a motion for new trial, motion to modify, motion to reinstate, or request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1(a). Thus, Appellant's notice of appeal was due on or before May 31. Appellant filed his notice of appeal on June 6, thus, it was untimely.

Texas Rule of Appellate Procedure 26.3 provides that a motion to extend the time for filing a notice of appeal must be filed within fifteen days after the deadline for filing the notice of appeal. TEX. R. APP. P. 26.3. On June 17, this Court notified Appellant that the information received in this appeal does not show the jurisdiction of this Court, i.e., there is no timely notice of appeal. *See* TEX. R. APP. P. 26.1. However, Appellant was further notified that, pursuant to Rule 26.3 and *Verburgt v. Dorner*, 959 S.W.2d 615 (Tex. 1997), we would imply a motion to extend time for filing the notice of appeal. We informed Appellant that Rule 26.3 requires a motion complying with Rule 10.5(b). *See* TEX. R. APP. P. 10.5(b), 26.3(b). Thus, we notified Appellant that the appeal would be dismissed for want of jurisdiction unless on or before June 27, Appellant informed

this Court, in writing, of facts that reasonably explained his need for an extension of time to file the notice of appeal. *See* TEX. R. APP. P. 42.3. This deadline expired without a response from Appellant.

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 4, 2019.

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

(PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**SEPTEMBER 4, 2019**

**NO. 12-19-00226-CV**

**WILLIAM D. WALLER, JR.,**

Appellant

V.

**SUSAN J. WALLER, DOROTHY REID WALLER**

**AND ALICIA G. TENNISON,**

Appellees

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Appeal from the 2nd District Court

of Cherokee County, Texas (Tr.Ct.No. 2016-11-0772)

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THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it 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.*