

**DISMISS and Opinion Filed May 29, 2020**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-20-00240-CV**

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**MONIQUE DEGENSTEIN, Appellant  
V.  
WAL-MART STORES TEXAS, LLC, Appellee**

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**On Appeal from the County Court at Law No. 1  
Dallas County, Texas  
Trial Court Cause No. CC-19-03714-A**

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**MEMORANDUM OPINION**

Before Justices Whitehill, Osborne, and Carlyle  
Opinion by Justice Carlyle

Appellant appeals from the trial court's December 20, 2019 order dismissing her case for want of prosecution. We questioned our jurisdiction over this appeal because appellant's February 3, 2020 notice of appeal was untimely. *See* TEX. R. APP. P. 26.1. Because appellant did not file a timely post-judgment motion extending the appellate deadline, the notice of appeal was due on January 21,

2020.<sup>1</sup> *See id.* 4.1(a), 26.1(a). But because appellant filed a notice of appeal within the fifteen-day grace period after January 21, 2020, we informed appellant she could remedy the timeliness problem by filing an extension motion by May 14, 2020. *See id.* 26.3. We cautioned appellant that failure to file an extension motion by that time would result in dismissal of the appeal without further notice. *See id.*

As of today's date, appellant has not filed an extension motion. Without a timely notice of appeal, this Court lacks jurisdiction. *See id.* 25.1(b). We dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

/Cory L. Carlyle/  
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CORY L. CARLYLE  
JUSTICE

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<sup>1</sup> We note that appellant filed an unverified motion to reinstate on December 19, 2019. An unverified motion to reinstate does not extend the trial court's plenary jurisdiction. *See McConnell v. May*, 800 S.W.2d 194, 194 (Tex.1990) (orig. proceeding); TEX. R. CIV. P. 165a(3).



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

MONIQUE DEGENSTEIN,  
Appellant

No. 05-20-00240-CV      V.

WAL-MART STORES TEXAS,  
LLC, Appellee

On Appeal from the County Court at  
Law No. 1, Dallas County, Texas  
Trial Court Cause No. CC-19-03714-  
A.

Opinion delivered by Justice Carlyle.  
Justices Whitehill and Osborne  
participating.

In accordance with this Court's opinion of this date, the appeal is  
**DISMISSED.**

It is **ORDERED** that appellee WAL-MART STORES TEXAS, LLC  
recover its costs of this appeal from appellant MONIQUE DEGENSTEIN.

Judgment entered this 29th day of May, 2020.