

DISMISS and Opinion Filed June 28, 2021



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

No. 05-21-00336-CV

**PERCY GREEN, JR., Appellant
V.
CITY OF DALLAS, Appellee**

**On Appeal from the County Court at Law No. 1
Dallas County, Texas
Trial Court Cause No. CC-20-04616-A**

MEMORANDUM OPINION

Before Justices Schenck, Reichel, and Carlyle
Opinion by Justice Reichel

By letter dated May 21, 2021, we questioned our jurisdiction over this appeal because it appeared the notice of appeal was untimely. We instructed appellant to file a letter brief addressing the concern with an opportunity for appellee to respond. The parties complied.

When a party does not file a timely post-judgment motion extending the appellate timetable, a notice of appeal is due thirty days after the judgment is signed or, with an extension motion, fifteen days after the initial due date. *See* TEX. R. APP. P. 26.1; 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See Brashear v. Victoria Gardens of McKinney, L.L.C.*, 302 S.W.3d 542, 545 (Tex.

App.—Dallas 2009, no pet.) (op. on reh'g) (timely filing of notice of appeal is jurisdictional).

The trial court signed the order granting appellee's plea to the jurisdiction on March 18, 2021. Because appellant did not file a post-judgment motion extending the appellate timetable, the notice of appeal was due on April 19, 2021. *See* TEX. R. APP. P. 4.1(a), 26.1. Appellant filed a notice of appeal on May 11, 2021, twenty-two days past the deadline.

Although appellant filed a letter brief, he fails to address the untimeliness of the notice of appeal. Because appellant failed to file a timely notice of appeal, this Court lacks jurisdiction. We dismiss the appeal. *See id.* 42.3(a).

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

210336F.P05



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

JUDGMENT

PERCY GREEN, JR., Appellant

No. 05-21-00336-CV V.

CITY OF DALLAS, Appellee

On Appeal from the County Court at
Law No. 1, Dallas County, Texas
Trial Court Cause No. CC-20-04616-
A.

Opinion delivered by Justice
Reichek. Justices Schenck and
Carlyle participating.

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

Judgment entered June 28, 2021