

DISMISS and Opinion Filed July 19, 2021



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

No. 05-21-00300-CV

MARJORIE WASHINGTON, Appellant

V.

**PAUL W. DARREN AND TYLER STREET SELF STORAGE, LLC,
Appellees**

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-20-03396-D**

MEMORANDUM OPINION

Before Justices Myers, Partida-Kipness, and Garcia
Opinion by Justice Myers

By letter dated May 27, 2021, we questioned our jurisdiction over this appeal because it appeared the notice of appeal was untimely. We instructed appellant to file, by June 10, 2021, a letter brief addressing our concern and cautioned her that failure to comply may result in dismissal of the appeal without further notice. As of today's date, appellant has not complied.

When a party files a timely post-judgment motion extending the appellate timetable, a notice of appeal is due within ninety days after the date the judgment is signed or, with an extension motion, within fifteen days of the deadline. *See* TEX.

R. APP. P. 26.1(a); 26.3. Without a timely filed notice of appeal, we lack 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 jurisdictional).

The trial court signed the order dismissing the case for want of prosecution on January 12, 2021. Appellant filed a timely motion to reinstate on January 19, 2021. Accordingly, the notice of appeal was due on April 12, 2021 or, with an extension motion, April 27, 2021. *See id.* 26.1(a), 26.3. Appellant filed a notice of appeal on April 29, 2021. Appellant’s untimely notice of appeal failed to invoke our jurisdiction over this appeal. Accordingly, we dismiss the appeal. *See* 42.3(a).

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/Lana Myers/
LANA MYERS
JUSTICE



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

JUDGMENT

MARJORIE WASHINGTON,
Appellant

No. 05-21-00300-CV V.

PAUL W. DARREN AND TYLER
STREET SELF STORAGE, LLC,
Appellees

On Appeal from the County Court at
Law No. 4, Dallas County, Texas
Trial Court Cause No. CC-20-03396-
D.

Opinion delivered by Justice Myers.
Justices Partida-Kipness and Garcia
participating.

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

Judgment entered this 19th day of July, 2021.