



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: Don McCaffety v. First National Bank Texas

Appellate case number: 01-20-00281-CV

Trial court case number: 2019-68729

Trial court: 334th District Court of Harris County

Appellant challenges a final order of dismissal signed on December 30, 2019. Motion for new trial was filed on February 11, 2020 and the notice of appeal was filed on March 30, 2020.

A notice of appeal is timely if filed within 30 days of the date the final judgment is signed, or if a timely motion for new trial is filed, within 90 days of the date the final judgment is signed. *See* TEX. R. APP. P. 26.1. A motion for new trial is timely if filed within 30 days of the date the judgment is signed. *See* TEX. R. CIV. P. 329b(a).

The clerk's record indicates that appellant's motion for new trial was not filed within 30 days of the date judgment was signed, and thus, the motion was not timely filed and did not extend the time for filing the notice of appeal. *See* TEX. R. APP. P. 26.1. Because the motion for new trial was not timely filed, appellant's notice of appeal filed on March 30, 2020—more than 30 days from the date the judgment was signed—was also untimely filed. *See id.* The deadline for filing the notice of appeal is jurisdictional and unless appellant timely files a notice of appeal, we must dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 25.1(b); 42.3(a).

Unless appellant files a response demonstrating by citation to the law and to the record that this Court has jurisdiction of the appeal, this appeal will be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f).

Appellant's response, if any, is **due in this court within 10 days of the date of this notice**. If a meritorious response is not received in the form described above by the deadline, the Court may dismiss the appeal for want of jurisdiction without further notice.

It is so ORDERED.

Judge's signature: Justice Peter Kelly
 Acting individually Acting for the Court

Date: July 14, 2020