

**COURT OF APPEALS OF TEXAS, SECOND DISTRICT OF TEXAS, FORT
WORTH**

Christopher Chad Bates v. Citibank (South Dakota) N.A.

No. 2-08-460-CV · No. No. 2-08-460-CV · Decided February 5, 2009

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 2-08-460-CV
CHRISTOPHER CHAD BATES APPELLANT V. CITIBANK (SOUTH DAKOTA) N.A.
APPELLEE FROM COUNTY COURT AT LAW NO. 3 OF TARRANT COUNTY
MEMORANDUM OPINION 1 Appellant Christopher Chad Bates attempts to appeal from the
trial court's final summary judgment in favor of Appellee Citibank (South Dakota) N.A.

We dismiss the appeal for want of jurisdiction. The trial court's judgment was signed on August 26, 2008, and Bates timely filed a motion for new trial on September 16, 2008. Bates's notice of 1 ... See Tex. R. App. P. 47.4. appeal was therefore due on November 24, 2008, but it was not filed until December 3, 2008. See Tex. R. App. P. 26.1(a)(1).

On December 9, 2008, we notified Bates of our concern that this court may not have jurisdiction over the appeal and informed him that unless he or any party desiring to continue the appeal filed with the court a response showing a reasonable explanation for the late filing of the notice of appeal, this appeal would be dismissed for want of jurisdiction. See Tex. R. App.

P. 10.5(b), 26.3, 42.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). We have received no response. Accordingly, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f). PER CURIAM PANEL: MEIER, J.; CAYCE, C.J.; and LIVINGSTON, J. DELIVERED: February 5, 2009 2