

Dismissed and Opinion filed April 26, 2001.



In The

**Fourteenth Court of Appeals**

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**NO. 14-01-00086-CV**  
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**LERRY D. TYSON D/B/A ABCO MOVING AND STORAGE, INC., PACIFIC  
MOVING, AND ABCO MOVING AND STORAGE, INC., Appellants**

**V.**

**SOUTHWESTERN BELL YELLOW PAGES, INC., Appellee**

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**On Appeal from the County Civil Court at Law No. 2  
Harris County, Texas  
Trial Court Cause No. 732,678**

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**M E M O R A N D U M O P I N I O N**

This is an appeal from a judgment signed October 24, 2000. Appellant filed a timely motion for new trial. The notice of appeal was due January 22, 2001. *See* TEX. R. APP. P. 26.1. Appellant, however, filed his notice of appeal on January 24, 2001, a date within 15 days of the due date for the notice of appeal. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Appellant did not file a motion to extend time to file the notice of appeal. On March 8, 2001, we ordered appellant to file a proper motion to extend time to file the notice of appeal on or before March 19, 2001. *See* TEX. R. APP. P. 26.3;10.5(b). Appellant did not file a motion. We, therefore, dismiss the appeal. *See* TEX. R. APP. P. 42.3.

PER CURIAM

Opinion filed May 3, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do not publish — TEX. R. APP. P. 47.3(b).