

Dismissed and Opinion filed December 14, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-01325-CV

PINNACLE-ONYX ENGINEERING & CONSTRUCTION, INC., Appellant

V.

**HOUSTON HOME AND DEVELOPMENT COMPANY AND MATT SEIFFERT,
Appellees**

**On Appeal from the 164th District Court
Harris County, Texas
Trial Court Cause No. 99-18287**

OPINION

This is an attempted appeal from a judgment signed July 17, 2000. Appellant filed an untimely motion for new trial on August 17, 2000. Appellant's notice of appeal was filed October 13, 2000.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1.

On November 17, 2000, appellees filed a motion to dismiss, claiming that this court was without jurisdiction to entertain the appeal because the notice of appeal was not timely filed. Appellant filed no response to this motion.

Accordingly, we grant appellees' motion and order the appeal dismissed.

PER CURIAM

Judgment rendered and Opinion filed December 14, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

Do Not Publish — TEX. R. APP. P. 47.3(b).