

Dismissed and Memorandum Opinion filed April 1, 2010.



In The

**Fourteenth Court of Appeals**

---

NO. 14-10-00017-CV

---

**EX PARTE DUD STEADMAN, JR., Appellant**

---

**On Appeal from the 164th District Court  
Harris County, Texas  
Trial Court Cause No. 2009-62010**

---

**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed October 23, 2009. No motion for new trial was filed. Appellant's notice of appeal was filed January 5, 2010.

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 request for findings of fact and conclusion of law. *See* Tex. R. App. P. 26.1.

Appellant's notice of appeal was not filed timely. A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal

beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburt v. Dorner*, 959 S.W.2d 615, 617-18 (Tex. 1997) (construing the predecessor to Rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See* TEX. R. APP. P. 26.3, 10.5(b)(1)(C); *Verburt*, 959 S.W.2d at 617–18. Appellant’s notice of appeal was not filed within the fifteen-day period provided by rule 26.3

On March 5, 2010, notification was transmitted to all parties of the Court’s intent to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Yates, Seymore, and Brown.