

Dismissed and Memorandum Opinion filed September 27, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00577-CV

CHARLIE JONES, JR., Appellant

V.

CHRISTOPHER FUNK, Appellee

**On Appeal from the County Civil Court at Law No. 2
Harris County, Texas
Trial Court Cause No. 1064844**

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

This is an attempted appeal from a judgment signed June 8, 2016. No post-judgment motion was filed. Appellant's notice of appeal was filed July 19, 2016. The notice of appeal must be filed within 30 days after the judgment is signed when appellant has not filed a timely post-judgment motion. *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 15-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617–18 (1997) (construing the predecessor to Rule 26).

Appellant did not file a motion to extend time to file the notice of appeal. While an extension may be implied, appellant is obligated to come forward with a reasonable explanation to support the late filing. *See Miller v. Greenpark Surgery Center Assocs., Ltd.*, 974 S.W.2d 805, 808 (Tex. App.—Houston [14th Dist.] 1998, no pet.). On August 23, 2016, this court ordered appellant to file a proper motion to extend time to file the notice of appeal on or before September 2, 2016. Appellant filed no response.

The appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Jamison, McCally, and Wise.