

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00212-CV

Ron **RAY**,
Appellant

v.

BEXAR COUNTY APPRAISAL DISTRICT and
Bexar County Appraisal Review Board,
Appellees

From the 407th Judicial District Court, Bexar County, Texas
Trial Court No. 2006-CI-09052
Honorable John D. Gabriel, Jr., Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: July 9, 2008

DISMISSED FOR LACK OF JURISDICTION

The trial court signed a final judgment on February 27, 2008. Because appellant did not file a motion for new trial, motion to modify the judgment, motion for reinstatement, or request for findings of fact and conclusions of law, the notice of appeal was due to be filed on March 28, 2008. *See* TEX. R. APP. P. 26.1(a). A motion for extension of time to file the notice of appeal was due on April 14, 2008. *See* TEX. R. APP. P. 26.3. Appellant filed his notice on appeal on March 31, 2008.

Although appellant filed a notice of appeal within the fifteen-day grace period allowed by Rule 26.3, he did not file a motion for extension of time.

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 Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing the predecessor to Rule 26); *Dimotsis v. State Farm Lloyds*, 966 S.W.2d 657, 657 (Tex. App.–San Antonio 1998, no pet.) (stating same under current Rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See id.*; TEX. R. APP. P. 26.3, 10.5(b)(1)(C). Therefore, on May 27, 2008, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Our order also cautioned appellant that if he did not respond within the time provided, the appeal would be dismissed. *See* TEX. R. APP. P. 42.3(c). Appellant has not responded to our order; therefore, this appeal is dismissed for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a), (c).

PER CURIAM