

Opinion filed November 27, 2019



In The  
**Eleventh Court of Appeals**

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No. 11-19-00322-CV

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**IN THE INTEREST OF A.L.W., A CHILD**

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**On Appeal from the County Court at Law  
Brown County, Texas  
Trial Court Cause No. CV1904153**

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**MEMORANDUM OPINION**

A.L.W.’s father filed a notice of appeal from the trial court’s order terminating his parental rights to A.L.W. The order of termination was signed by the trial court on September 26, 2019, and the notice of appeal was filed on October 24, 2019. When the appeal was docketed in this court, the clerk of this court notified the parties that it appeared to this court that the notice of appeal was not timely filed. We directed Appellant to respond in writing and provide a reasonable explanation for his failure to timely file the notice of appeal. *See* TEX. R. APP. P. 10.5(b), 26.3. We informed Appellant that his appeal might be dismissed if he failed to provide a reasonable explanation. *See* TEX. R. APP. P. 42.3. We also requested that Appellant either pay

the filing fee or file a statement of inability to afford payment of court costs. Appellant has not responded to this court's letter.

The documents on file in this appeal show that the trial court signed the order of termination, which was a final appealable order, on September 26, 2019. The notice of appeal was therefore due to be filed on October 16. *See* TEX. R. APP. P. 26.1(b) (providing that, in an accelerated appeal, the notice of appeal must be filed within twenty days after the date the order was signed). Appellant filed his notice of appeal on October 24—within the fifteen-day extension period permitted by the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 10.5(b), 26.3; *see also* *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (holding that motion for extension of time is implied if the notice of appeal is filed within the fifteen-day extension period but concluding that a reasonable explanation is nonetheless required). Thus, this court would be authorized to permit an extension and proceed with this appeal if Appellant had provided a reasonable explanation for his failure to timely file the notice of appeal.

Because Appellant has not replied to this court's October 25, 2019 letter as directed, has not provided a reasonable explanation for his failure to timely file the notice of appeal, and has not paid the filing fee or filed a statement of inability to afford payment of court costs, we dismiss this appeal. *See* TEX. R. APP. P. 42.3(c).

This appeal is dismissed.

PER CURIAM

November 27, 2019

Panel consists of: Bailey, C.J.,  
Stretcher, J., and Wright, S.C.J.<sup>1</sup>

Willson, J., not participating.

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<sup>1</sup>Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.