

DISMISS and Opinion Filed August 30, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00548-CV

**SERGIO AGUILAR, Appellant
V.
SERVICE LLOYDS INSURANCE COMPANY, Appellee**

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-01402**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Smith
Opinion by Justice Goldstein

Appellant appeals from the trial court's June 14, 2021 interlocutory order declaring him to be a vexatious litigant. The notice of appeal was due on July 6, 2021.¹ *See* TEX. R. APP. P. 26.1(b) (in accelerated appeal, notice of appeal due within twenty days after order signed). Appellant filed his notice of appeal on July 7, 2021. Because appellant filed the notice of appeal within fifteen days of the deadline, we notified him that he could remedy the timeliness problem by filing, by August 5, 2021, a motion for extension of time to file the notice of appeal that complies with

¹Monday, July 5, 2021 was a Dallas County holiday. Accordingly, the deadline was extended to July 6, 2021. *See* TEX. R. APP. P. 4.1 (when last day for filing is a Saturday, Sunday, or legal holiday, period extends to next day that is not a Saturday, Sunday, or legal holiday).

rule 10.5(b)(1) and (2). *See id.* 10.5(b)(1), (2); 26.3. Without a timely filed notice of appeal, we lack jurisdiction. *See Brashear v. Victoria Gardens of McKinney, L.L.C.*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh’g) (timely filing of notice of appeal jurisdictional).

On August 4, appellant filed a document titled “First Unopposed Motion for Extension of Time to File Petition for Review.” We construed the document as a motion for extension of time to file a notice of appeal. Because appellant failed to state the facts relied on to reasonably explain the need for an extension, *see* TEX. R. APP. P. 10.5(b)(1)(C), we denied the motion without prejudice to filing, by August 23, a motion that complies with the rule. On August 19, appellant filed a document titled “On Plaintiff’s Motion to Declare” which we construe as a motion for extension of time to file his notice of appeal. Appellant again fails to set forth the facts relied on to reasonably explain the need for an extension. Accordingly, we deny appellant’s extension motion and dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

/Bonnie Lee Goldstein/
BONNIE LEE GOLDSTEIN
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SERGIO AGUILAR, Appellant

No. 05-21-00548-CV V.

SERVICE LLOYDS INSURANCE
COMPANY, Appellee

On Appeal from the 162nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-21-01402.
Opinion delivered by Justice
Goldstein. Justices Molberg and
Smith participating.

In accordance with this Court's opinion of this date, the appeal is
DISMISSED.

Judgment entered August 30, 2021