

Opinion issued May 5, 2011



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-11-00100-CV

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**ALEJANDRO HERNANDEZ, Appellant**

**V.**

**RIMKUS CONSULTING GROUP, INC., Appellee**

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**On Appeal from the County Civil Court at Law No. 1  
Harris County, Texas  
Trial Court Case No. 961154**

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**MEMORANDUM OPINION**

Appellant Alejandro Hernandez appeals the trial court's judgment. Because appellant did not timely file his notice of appeal, we dismiss the appeal for want of jurisdiction.

The trial court rendered a final judgment on October 19, 2010. Appellant timely filed a motion for new trial, extending the appellate timetable for filing the notice of appeal from 30 days to 90 days after the trial court signed the final judgment. *See* TEX. R. APP. P. 26.1(a)(1). Thus, the notice of appeal was due by January 17, 2011. Appellant did not file his notice of appeal until January 31, 2011, after the filing deadline. Because appellant's notice was untimely, but within 15 days of the deadline, this court implies a motion to extend time to file appellant's notice of appeal. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). However, an appellant must still provide a reasonable explanation for its late filing. *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998).

Appellee filed a motion to dismiss for want of jurisdiction because of appellant's late-filed notice of appeal. Appellee's motion acknowledges the implied motion for extension for time under *Verburgt* but also points out appellant's failure to provide a reasonable explanation for his late filing. One week after the motion to dismiss was filed this court requested a response from appellant. The response was due 10 days later, on April 1, 2011. Appellant has not responded and has still not provided a reasonable explanation for the late-filed notice of appeal.

Accordingly, we grant appellee's motion and we **dismiss** the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

**PER CURIAM**

Panel consists of Justices Jennings, Higley, and Brown.