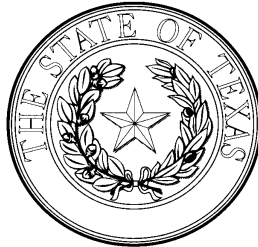


Opinion issued May 5, 2016



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

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NO. 01-15-00009-CV

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**BOBBY JO SMITH, Appellant**

**V.**

**SHANKESHIA DOMINIQUE TURNER, Appellee**

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**On Appeal from the County Court at Law No. 2  
Galveston County, Texas  
Trial Court Case No. 10-FD-1929**

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**MEMORANDUM OPINION**

Appellant, Bobby Jo Smith, attempts to appeal from an order signed on October 8, 2014 granting judgment against appellant for past-due child support. We dismiss the appeal.

Generally, a notice of appeal is due within thirty days after the final judgment is signed. *See* TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is extended to ninety days after the date the judgment is signed if, within thirty days after the judgment is signed, any party timely files a motion for new trial, motion to modify the judgment, motion to reinstate, or, under certain circumstances, a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1(a); TEX. R. CIV. P. 329b(a), (g). The time to file a notice of appeal may also be extended if, within fifteen days after the deadline to file the notice of appeal, a party properly files a motion for extension. *See* TEX. R. APP. P. 10.5(b), 26.3. 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 extension period provided by Rule 26.3. *See* TEX. R. APP. P. 26.1, 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617–18 (Tex. 1997).

Here, the trial court signed the order from which appellant appeals on October 8, 2014 and no motion for new trial was filed. Therefore, appellant’s notice of appeal was due by November 7, 2014. *See* TEX. R. APP. P. 26.1. Appellant’s initial notice of appeal was filed on January 5, 2015 and the next day appellant filed his “First Amended Notice of Appeal of the Order for Enforcement of Child Support Order and Order to Appear.” Appellant’s January 5, 2015 notice of appeal was filed

fifty-nine days after the deadline. Without a timely filed notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 25.1.

On January 29, 2015, the Clerk of this Court notified the appellant that this appeal was subject to dismissal for want of jurisdiction unless he demonstrated this Court had jurisdiction over this appeal. Appellant failed to respond.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Massengale, and Huddle.