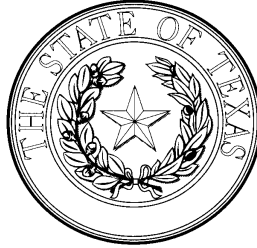


Opinion issued July 19, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00371-CV

IN THE INTEREST OF A.J.U., M.A.U. AND A.U., CHILDREN

**On Appeal from the 315th District Court
Harris County, Texas
Trial Court Case No. 2014-02620J**

MEMORANDUM OPINION

Appellant attempts to appeal from the trial court's judgment signed April 8, 2016. We dismiss the appeal for lack of jurisdiction and because appellant failed to comply with this Court's order requiring a written explanation for the late notice of appeal.

Because this is an appeal from an order terminating parental rights, the appeal from this order is accelerated. *See* TEX. FAM. CODE ANN. § 109.002(a) (West 2014); *In re K.A.F.*, 160 S.W.3d 923, 925 (Tex. 2005). The notice of appeal in an accelerated appeal must be filed within 20 days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1. We may extend the time to file a notice of appeal if, within 15 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 15-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).

The judgment was signed on April 8, 2016. Because this is an accelerated appeal, appellant’s notice of appeal was due on April 28, 2016. *See* TEX. R. APP. P. 26.1(b). Appellant did not file his notice of appeal until May 3, 2016. Appellant did not file a motion to extend time to file the notice of appeal, though the notice was filed within the *Verburgt* period. *See* TEX. R. APP. P. 26.3; *Verburgt*, 959 S.W.2d at 617–18. Thus, a motion for extension is implied, but appellant must reasonably explain the need for an extension. *See Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998) (holding that appellant should be able to prosecute

appeal despite notice of appeal filed within the *Verburgt* period if appellant can reasonably explain need for extension).

On May 12, 2016, we notified appellant that the appeal was subject to dismissal for want of jurisdiction unless, by May 23, 2016, appellant filed a response showing grounds for continuing the appeal. Appellant filed no response.

Accordingly, we dismiss the appeal for want of jurisdiction and because appellant failed to comply with a court order requiring a response within a specified time. *See* TEX. R. APP. P. 42.3(a), (c); *In the Interest of H.H.*, No. 07–15–00308–CV, 2015 WL 5559922, at *1 (Tex. App.—Amarillo Sept. 18, 2015, no pet.) (dismissing appeal for lack of jurisdiction and for failure to respond to court order to reasonably explain untimely filing of notice of appeal). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Brown, and Huddle.