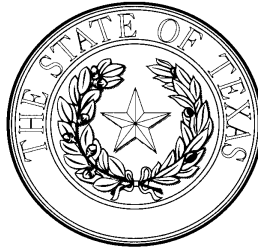


Opinion issued May 5, 2022



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

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NO. 01-21-00681-CV

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**BOBBY ROBINSON, Appellant**

**V.**

**HOME STATE COUNTY MUTUAL INSURANCE COMPANY, Appellee**

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**On Appeal from the 55th District Court  
Harris County, Texas  
Trial Court Case No. 2010-01278**

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**MEMORANDUM OPINION**

Appellant Bobby Robinson (“Appellant”) filed a notice of appeal seeking to challenge the trial court’s “Agreed Take Nothing Judgment” signed on August 16, 2011, in Cause No. 2010-01278, *Bobby Robinson v. Home State County Mutual Insurance Company, Paragon Insurance Managers LLC d/b/a Paragon Insurance*

*Group, Paragon Insurance Company, and Imperial Fire and Casualty Insurance Company*, in the 55th District Court of Harris County, Texas. We dismiss the appeal for lack of jurisdiction.

A notice of appeal generally is due within thirty days after the 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 challenged judgment is signed if, within thirty days after the judgment is signed, any party files a motion for new trial, a motion to modify the judgment, a motion to reinstate or, under certain circumstances, a request for findings of fact and conclusions of law. *Id.*; TEX. R. CIV. P. 329b(a), (g). The time to file a notice of appeal may be extended if, within fifteen days after the deadline to file the notice of appeal, a party properly files a motion for extension of time to file the notice of appeal. *See* TEX. R. APP. P. 10.5(b), 26.3. A motion for extension of time is implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed under Rule 26.1, but within the fifteen-day extension period provided under Rule 26.3. *See* TEX. R. APP. P. 26.1, 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

The “Agreed Take Nothing Judgment” from which Appellant seeks to appeal was signed on August 16, 2011. The clerk’s record has not been filed. It is thus unclear whether Appellant filed a post-judgment motion extending his deadline to file a notice of appeal. *See* TEX. R. APP. P. 26.1(a). Regardless,

Appellant’s notice of appeal would not have been timely, given that he filed it on November 30, 2021, more than ten years after the date of the judgment he challenges. Without a timely notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 26.1; *Lab. Corp. of Am. v. Mid-Town Surgical Ctr., Inc.*, 16 S.W.3d 527, 529 (Tex. App.—Dallas 2000, no pet.) (“A timely notice of appeal is a requirement for this Court’s jurisdiction.”). On March 24, 2022, this Court notified Appellant that his appeal could be dismissed for lack of jurisdiction unless Appellant demonstrated within fourteen days that this Court has jurisdiction over his appeal. Appellant did not respond.

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 Landau, Hightower, and Rivas-Molloy.