

Dismissed and Memorandum Opinion filed March 4, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00897-CV

JAKE HENDRIX, Appellant

V.

CHERYL BRYANT, Appellee

**On Appeal from the 247th District Court
Harris County, Texas
Trial Court Cause No. 2007-31016**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed March 10, 2008. Appellant's notice of appeal was filed October 19, 2009.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1.

Appellant's notice of appeal was not filed timely. 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 grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18 (Tex. 1997) (construing the predecessor to Rule 26). Appellant's notice of appeal was not filed within the fifteen-day period provided by Rule 26.3

On February 3, 2010, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction. *See Tex. R. App. P. 42.3(a)*. Appellant's response fails to demonstrate that this Court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.