

Dismissed and Memorandum Opinion filed January 11, 2011.



In The

**Fourteenth Court of Appeals**

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**NO. 14-10-01020-CV**

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**LAKETTA REVELL JACKSON, Appellant**

**V.**

**ADRIENNE GILMORE, Appellee**

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**On Appeal from the 189th District Court  
Harris County, Texas  
Trial Court Cause No. 2010-14140**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed June 25, 2010. Appellant filed a timely motion for new trial on July 7, 2010. Appellant's notice of appeal was filed October 18, 2010.

When appellant has filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or request for findings of fact and conclusion of law, the notice of appeal must be filed within ninety days after the date the judgment is signed. *See*

Tex. R. App. P. 26.1(a). Accordingly, appellant's notice of appeal was due September 23, 2010.

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 (1997) (construing the predecessor to Rule 26). The grace period expired on October 8, 2010. Appellant's notice of appeal was not filed within the fifteen-day period provided by rule 26.3.

On December 10, 2010, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Brown, Boyce, and Jamison.