

Motion Granted, Dismissed, and Memorandum Opinion filed August 23, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00625-CV

HAVEN CHAPEL UNITED METHODIST CHURCH, Appellant

V.

**WILLIAM MICHAEL LEEBRON II, E.J. KING and
BRAZORIA COUNTY COMMISSIONERS COURT, Appellees**

**On Appeal from the 149th District Court
Brazoria County, Texas
Trial Court Cause No. 62845**

MEMORANDUM OPINION

This is an attempted appeal from an interlocutory order denying appellant's request for a temporary injunction signed April 19, 2011. On May 4, 2011, appellant filed a motion for reconsideration and a request for findings of fact and conclusions of law, which were denied on July 1, 2011. Appellant's notice of appeal was filed July 18, 2011.

An interlocutory order denying a request for a temporary injunction is appealable, but the appeal will be accelerated. *See* Tex. Civ. Prac. & Rem. Code § 51.014(a)(4); Tex.

R. App. P. 28.1. In an accelerated appeal, an appellant must file its notice of appeal within twenty days after the order is signed. *See* Tex. R. App. P. 26.1(b). Filing a motion for reconsideration or a request for findings of fact and conclusions of law will not extend the time to perfect the appeal. *See* Tex. R. App. P. 28.1; *Lushann Energy Intern. Inc. v. General Elec. Energy Rentals Inc.*, No. 14-04-00652-CV, 2004 WL 1899795 *1 (Tex. App.—Houston [14th Dist.] 2004, pet. denied) (mem.op.).

Pursuant to Texas Rule of Appellate Procedure 26.3, an appellate court may extend the time to file a notice of appeal if, within fifteen days after the deadline for filing the appeal notice, the party files a notice of appeal in the trial court and a motion for extension of time in the court of appeals. *Hone v. Hanafin*, 104 S.W.3d 884, 885-86 (Tex. 2003). 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). Appellant's notice of appeal was not filed within the fifteen-day period for extensions.

On July 27, 2011, appellees E.J. King, Brazoria County Judge, and the Brazoria County Commissioner's Court, filed a motion to dismiss the appeal for want of jurisdiction because the notice of appeal was not filed timely. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

Accordingly, we grant appellees' motion. The appeal is ordered dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Justices Brown, Boyce, and McCally.