

**Motions Dismissed; Appeal Dismissed; and Memorandum Opinion filed
March 24, 2016.**



In The

Fourteenth Court of Appeals

NO. 14-16-00020-CV

ANNICE HALE, Appellant

V.

FAMILY DOLLARS STORES, Appellee

**On Appeal from the 333rd District Court
Harris County, Texas
Trial Court Cause No. 2015-17751**

M E M O R A N D U M O P I N I O N

This is an attempted appeal from a judgment signed July 20, 2015. Appellant filed an untimely motion for new trial on October 3, 2015. Appellant's notice of appeal was filed January 8, 2016.

The notice of appeal must be filed within 30 days after the judgment is signed when appellant has not filed a timely post-judgment motion. 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 15-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 15-day period provided by Rule 26.3.

On March 1, 2016, 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 three documents since that time, but none of them demonstrates that this court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed. All pending motions are dismissed.

PER CURIAM

Panel consists of Justices Christopher, McCally, and Busby.