

Motion Granted; Appeal Dismissed and Memorandum Opinion filed June 2, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00188-CV

MAHMOUD LATIF, Appellant

V.

**URE HOUSTON, LLC, DIANNE MOORE AND DREAMA VALLONE,
Appellees**

**On Appeal from the 127th District Court
Harris County, Texas
Trial Court Cause No. 2013-52317A**

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

The trial court signed an order on August 19, 2015, in cause number 2013-52317 disposing of all claims by appellant, Mahmoud Latif, against appellees, URE Houston, LLC, Dianne Moore, and Dreama Vallone. On November 5, 2015, the trial court severed those claims into a new case, cause number 2013-52317A. The August 19, 2015 order was transferred into the new cause and became a final judgment as of November 5, 2015. This is an attempted appeal from that judgment.

Appellant timely filed a motion for new trial on December 4, 2015. The notice of appeal must be filed within 90 days after the judgment is signed when appellant has filed a timely post-judgment motion. *See* Tex. R. App. P. 26.1(a). Therefore, the notice of appeal was due February 3, 2016. Appellant did not file his notice of appeal until March 3, 2016.

A motion for extension of time a notice of appeal is necessarily implied when an appellant, acting in good faith, files the 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 (Tex. 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.

Accordingly, appellees’ motion to dismiss is **GRANTED** and the appeal is **DISMISSED**.

PER CURIAM

Panel consists of Justices Boyce, Christopher, and Jamison.