Dismissed and Memorandum Opinion filed November 14, 2017

In The

Fourteenth Court of Appeals

NO. 14-17-00509-CV

OSCAR R VALDEZ, Appellant

V.

SHELLY WHITE A/K/A SHELLY DAWN THOMASON, Appellee

**On Appeal from the 280th District Court
Harris County, Texas
Trial Court Cause No. 2017-12702**

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

This is an attempted appeal from a protective order signed March 17, 2017. No post-judgment motion was filed.

The notice of appeal must be filed within 30 days after the judgment is signed when no timely post-judgment motion is filed. *See* Tex. R. App. P. 26.1. The thirtieth day after the judgment was signed was Sunday, April 16, 2017. If the day by which an act must be done is a Saturday, Sunday, or legal holiday, the deadline is extended to the end of the next day that is not a Saturday, Sunday, or legal holiday. Tex. R.

Civ. P. 4.1(b). Accordingly, appellant's notice of appeal was due by Monday, April 17, 2017. However, appellant did not file his notice of appeal until June 22, 2017.

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.

A court of appeals lacks jurisdiction to hear an appeal that was not timely perfected. When the court lacks jurisdiction, it must dismiss the appeal. *See Baker v. Baker*, 469 S.W.3d 269, 272 (Tex. App.—Houston [14th Dist.] 2015, no pet.).

On October 12, 2017, notification was transmitted to all parties of the court's intention to dismiss the appeal for lack of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

The appeal is dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Boyce, Jamison, and Brown.