

Appeal Dismissed and Memorandum Opinion filed November 30, 2017.



**In The
Fourteenth Court of Appeals**

NO. 14-17-00648-CV

BILL HARTLEY, Appellant

V.

TODD LANE, Appellee

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 2016-83829**

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

This is an attempted appeal from an order signed March 31, 2017. Appellant filed a timely motion for reconsideration on April 5, 2017. Appellant's notice of appeal was filed August 7, 2017. When appellant has filed a timely post-judgment motion, the notice of appeal must be filed within 90 days after the date the judgment is signed. *See* Tex. R. App. P. 26.1(a).

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 Texas Rule of Appellate Procedure 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 October 17, 2017, 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 Christopher, Donovan, and Jewell.