

Motion Denied; Appeal Dismissed and Memorandum Opinion filed August 18, 2022.



**In The
Fourteenth Court of Appeals**

NO. 14-22-00454-CV

IN RE CYNTHIA ANNE GREENWOOD AND JANE RAE GREENWOOD

**On Appeal from the 151st District Court
Harris County, Texas
Trial Court Cause No. 2022-20415**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed April 14, 2022, that dismissed the case, without prejudice, for want of subject-matter jurisdiction. No post-judgment motion that would operate to extend the appellate timetable was filed. Appellant's notice of appeal was filed June 21, 2022.¹

¹ The trial court signed a May 8, 2022 "Order Noting Lack of Subject Matter Jurisdiction and Prior Dismissal" The order states, "This Court wishes to note its April 14, 2022 Order dismissing this case sua sponte for lack of subject matter jurisdiction. This case was dismissed as of April 14, 2022 and remains dismissed and closed. Petitioners are welcome to appeal the dismissal to the First or Fourteenth Courts of Appeals, but this Court has determined it may not adjudicate the relief

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. *See* Tex. R. App. P. 26.1 Appellant’s notice of appeal was not filed timely. A motion to extend 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 Texas Rule of Appellate Procedure 26.3. Accordingly, appellant’s motion to extend time to file the notice of appeal, filed June 14, 2022, is denied.

On July 19, 2022, notification was transmitted to all parties the appeal was subject to dismissal without further notice for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant’s response does not demonstrate that this court has subject-matter jurisdiction.

We dismiss the appeal for want of jurisdiction and express no opinion on the trial court’s dismissal of the underlying case.

PER CURIAM

Panel consists of Justices Zimmerer, Spain, and Poissant.

requested and there is nothing pending before this Court, because, again, this case has already been dismissed in its entirety as of April 14, 2022. This Order is not intended to adjudicate any new claims nor extend the Court's plenary power, but simply to note the Court's earlier final dismissal.”

The trial court’s May 8, 2022 “order” was signed during the trial court’s plenary power over the April 14, 2022 final judgment. However, because it did not modify, correct, or reform the April 14, 2022 order, we conclude it did not operate to extend the appellate timetable. *See* Tex. R. Civ. P. 329b.