

**Dismissed and Memorandum Opinion filed October 11, 2022.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-22-00626-CV**

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**GLENN BLAIR, Appellant**

**V.**

**LATOSHA DIONNE MITCHELL, Appellee**

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**On Appeal from the 310th District Court  
Harris County, Texas  
Trial Court Cause No. 2021-04645**

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**MEMORANDUM OPINION**

This is an attempted appeal from a decree of divorce signed May 3, 2022. Appellant filed a timely motion for new trial on May 3, 2022. Appellant's notice of appeal was filed August 19, 2022.

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 Texas Rule of Appellate Procedure 26.3.

On September 13, 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 fails to demonstrate that this court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Wise and Hassan.