

**Appeal Dismissed and Memorandum Opinion filed December 6, 2022.**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-22-00758-CV**

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**ROSALYN C. LEE, Appellant**

**V.**

**MEMORIAL HERMAN HOSPITAL, Appellee**

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**On Appeal from the 333rd District Court  
Harris County, Texas  
Trial Court Cause No. 2021-06525**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed June 17, 2022 dismissing a case for want of prosecution. Appellant filed a timely motion to reinstate the case on July 16, 2022. Appellant's notice of appeal was filed October 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 November 2, 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 filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Bourliot and Wilson.