

**Dismissed and Memorandum Opinion filed August 1, 2023.**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-23-00470-CV**

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**ANTHONY KON, Appellant**

**V.**

**MISRAK ABDI, Appellee**

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**On Appeal from the 387th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 21-DCV-282472**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed March 24, 2023. No post-judgment motion was filed. Appellant's notice of appeal was filed July 5, 2023. 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 to extend 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 July 13, 2023, 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 jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Jewell, Hassan, and Wilson.