

Appeal Dismissed and Memorandum Opinion filed December 28, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00887-CV

CLINT SARCA, Appellant

V.

FATIMA BRELAND, Appellee

**On Appeal from the 55th District Court
Harris County, Texas
Trial Court Cause No. 2022-52819**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed July 11, 2023. Appellant filed what was, in essence, a timely motion for new trial on August 10, 2023. Appellant's notice of appeal was filed November 21, 2023.

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, *i.e.*, on or before October 8, 2023. *See* Tex. R. App. P. 26.1(a).

Appellant's notice of appeal was filed on November 21, 2023 and 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 November 28, 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 filed no response.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Bourliot, Zimmerer, and Spain.