



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-12-00648-CV

Joe C. **MEDELLIN**,  
Appellant

v.

Rebecca **MEDELLIN**,  
Appellee

From the 224th Judicial District Court, Bexar County, Texas  
Trial Court No. 2005-CI-07696  
Honorable Peter A. Sakai, Judge Presiding

**PER CURIAM**

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Santee Bryan Marion, Justice

Delivered and Filed: November 7, 2012

**DISMISSED FOR LACK OF JURISDICTION**

The trial court signed a final judgment on June 8, 2012. Appellant filed a timely motion for new trial on July 6, 2012. Therefore, the notice of appeal was due to be filed on September 6, 2012. Appellant filed a notice of appeal on October 1, 2012.

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 Rule 26.1 but within the fifteen-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 (Tex. 1997) (construing the predecessor to Rule 26). But “once the period for granting a motion for extension of time under Rule [26.3] has passed, a party can no longer invoke the appellate court’s jurisdiction.” *Id.*

By order dated October 11, 2012, appellant was ordered to show cause in writing by October 26, 2012, why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond to this court’s order. Because appellant’s notice of appeal was untimely filed, this appeal is dismissed for lack of jurisdiction. Costs of the appeal are taxed against appellant.

PER CURIAM