



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00041-CV

Priscilla **VILLARREAL-TREVINO**,
Appellant

v.

ALL STAR KIDS DAY CARE AND LEARNING CENTER, INC.,
Appellee

From the 49th Judicial District Court, Webb County, Texas
Trial Court No. 2018CVK001081D1
Honorable John D. Gabriel, Jr., Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: May 6, 2020

DISMISSED FOR LACK OF JURISDICTION

The trial court signed a final judgment in the underlying cause on December 9, 2019. Because this is an accelerated appeal, the notice of appeal was due by December 30, 2019. TEX. R. APP. P. 26.1(b). A motion for extension of time to file the notice of appeal was due on January 14, 2020. TEX. R. APP. P. 26.3. Although appellant filed a notice of appeal on January 6, 2020, within the fifteen-day grace period allowed by Rule 26.3, she did not file a motion for extension of time.

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 Verburt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing the predecessor to Rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See id.*; TEX. R. APP. P. 26.3, 10.5(b)(1)(C). This court ordered appellant to file a response presenting a reasonable explanation for failing to file the notice of appeal in a timely manner by April 24, 2020. We advised appellant that failure to respond timely would result in dismissal of this appeal. *See* TEX. R. APP. P. 42.3. Appellant did not file a response.

Accordingly, because appellant did not provide a reasonable explanation for failure to file a timely notice of appeal, this appeal is dismissed for lack of jurisdiction. *See* TEX. R. APP. P. 26.3, 10.5(b)(1)(C), 42.3(b), (c); *Verburt*, 959 S.W.2d at 615.

PER CURIAM