



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00433-CV

Eric E. **DELEON-BOLADO**,
Appellant

v.

Lorraine M. **DELEON**,
Appellee

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2020-CI-07162
Honorable Donna S. Rayes, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: October 28, 2020

DISMISSED FOR WANT OF JURISDICTION

In the case underlying this appeal, the trial court signed an appealable order on July 31, 2020. No motion for new trial or other timely postjudgment motion that would extend the deadline to file a notice of appeal was filed. *See, e.g.*, TEX. R. APP. P. 26.1(a). A notice of appeal was due on August 31, 2020, and a motion for extension of time to file a notice of appeal was due on September 15, 2020. *See* TEX. R. APP. P. 26.1, 26.3.

On September 4, 2020, after the deadline to file a notice of appeal, Appellant filed a notice of appeal without filing a motion for extension of time to file a notice of appeal. *See generally*

Verburgt v. Dorner, 959 S.W.2d 615, 617 (Tex. 1997). However, “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 period in which the appellant would be entitled to move to extend the filing deadline under Rule [26.3].” *Id.*

On September 23, 2020, we ordered Appellant to show cause in writing not later than October 5, 2020, why this appeal should not be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 10.5(b) (requirements for a motion for extension of time); TEX. R. APP. P. 42.3(a) (dismissal for want of jurisdiction); *Garcia v. Kastner Farms, Inc.*, 774 S.W.2d 668, 670 (Tex. 1989) (reasonable explanation). We warned Appellant that if he failed to respond within the time provided, we would dismiss his appeal. *See* TEX. R. APP. P. 42.3(c) (dismissal for failure to comply with court order).

To date, Appellant has not filed any response to our September 23, 2020 order.

Appellant failed to provide a reasonable explanation for failing to timely file a notice of appeal; Appellant has not complied with Rule 26.3. Thus, Appellant’s notice of appeal was not timely filed, and he has failed to invoke this court’s appellate jurisdiction. *See Verburgt*, 959 S.W.2d at 617. We dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM