



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00166-CV

Catalina **SALAZAR**,
Appellant

v.

Rosario **GARZA** and Connie Garza,
Appellees

From the County Court, Guadalupe County, Texas
Trial Court No. 2020-CV-0067
Honorable Bill Squires, Judge Presiding

PER CURIAM

Sitting: Irene Rios, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: August 25, 2021

DISMISSED FOR LACK OF JURISDICTION

A timely notice of appeal is necessary to invoke this court's jurisdiction. *See Sweed v. Nye*, 323 S.W.3d 873, 875 (Tex. 2010); *North Cent. Baptist Hosp. v. Chavez*, No. 04-20-00590-CV, 2021 WL 983351, at *1 (Tex. App.—San Antonio Mar. 17, 2021, no pet.) (mem. op.). In this case, the trial court signed a final judgment on March 9, 2021. Because appellant did not file a motion for new trial, motion to modify the judgment, motion for reinstatement, or request for findings of fact and conclusions of law, appellant's notice of appeal was due on April 8, 2021. *See* TEX. R. APP. P. 26.1(a). A motion for extension of time to file appellant's notice of appeal was due on

April 23, 2021. *See id.* 26.3. Appellant did not file her notice of appeal until April 19, 2021, and she did not file a motion for extension of time pursuant to Rule 26.3. *See id.*

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, 616 (Tex. 1997). However, an appellant must provide a reasonable explanation for failing to file her notice of appeal in a timely manner. *See id.*; TEX. R. APP. P. 26.3.

On July 2, 2021, we ordered appellant to file, on or before July 19, 2021, a response presenting a reasonable explanation for failing to file her notice of appeal in a timely manner. We warned that if appellant failed to file a satisfactory response within the time provided, this appeal would be dismissed for lack of jurisdiction. Appellant did not respond. Accordingly, this appeal is dismissed for lack of jurisdiction.

PER CURIAM