



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

**MEMORANDUM OPINION**

No. 04-21-00191-CV

**IN THE ESTATE OF Roland R. ESPARZA, Deceased**

From the Probate Court No. 2, Bexar County, Texas  
Trial Court No. 2021-PC-0326  
Honorable Veronica Vasquez, Judge Presiding

PER CURIAM

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

Delivered and Filed: July 7, 2021

DISMISSED FOR WANT OF JURISDICTION

On March 29, 2021, the probate court signed an order appointing a temporary administrator. Assuming without deciding that the order was appealable, a notice of appeal was due on April 28, 2021, and a motion for extension of time to file a notice of appeal was due on May 13, 2021. *See* TEX. R. APP. P. 26.1, 26.3.

On May 13, 2021, after the deadline to file the 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) (“[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].” (emphasis added)).

On June 7, 2021, we ordered Appellant to show cause in writing by June 17, 2021, 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); *Garcia v. Kastner Farms, Inc.*, 774 S.W.2d 668, 670 (Tex. 1989) (reasonable explanation); TEX. R. APP. P. 42.3(a) (dismissal for want of jurisdiction). We warned Appellant that if he failed to respond within the time provided, this appeal would be dismissed. *See id.* R. 42.3(c) (dismissal for failure to comply with court order).

To date, Appellant has not filed any response to our June 7, 2021 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. *See* TEX. R. APP. P. 26.3(b); *Verburgt*, 959 S.W.2d at 617. Thus, Appellant's notice of appeal was not timely filed, and he has failed to invoke this court's appellate jurisdiction. *See Schmidt Land Servs., Inc. v. Ashworth*, No. 04-16-00203-CV, 2016 WL 3031049, at \*1 (Tex. App.—San Antonio May 25, 2016, no pet.) (mem. op.); *Hernandez v. Rimkus Consulting Grp., Inc.*, No. 01-11-00100-CV, 2011 WL 1900062, at \*1 (Tex. App.—Houston [1st Dist.] May 5, 2011, no pet.) (mem. op.). We dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM