

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00239-CV

PETER MASTERS, Appellant

V.

ANGELA KAY HARDY, Appellee

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 19-03-03375-CV**

MEMORANDUM OPINION

Peter Masters, the appellant, filed a notice to appeal the trial court's order granting Angela Kay Hardy's motion for summary judgment. On October 21, 2020, we notified the parties that it did not appear that Masters filed a timely notice of appeal.

Both parties responded to the Court's notice. In his response, Masters argues that we should treat his motion to reconsider as a motion for new trial and apply the extended appellate timetables to his appeal. In response, Hardy argues that, by the

time the trial court denied Masters' request to reconsider on October 16, 2020, the trial court no longer had jurisdiction to alter the judgment that it had signed when he granted her motion for summary judgment on June 13, 2020.

The Rules of Appellate Procedure extend the appellate guidelines when a party files a motion for new trial. *See* Tex. R. App. P. 26.1a. Thus, even if we treat his motion to reconsider as a motion for new trial and apply the extended timetable to his appeal, he still needed to perfect his appeal from the trial court's ruling on the summary judgment within 90 days after the date the trial court signed the judgment. But Masters did not file his notice of appeal until October 20, 2020, which is outside the 90-day window he had even if we treated his motion as a motion for new trial and gave him the benefit of the extended appellate timetable.

In Masters' case, we may also not extend the appellate deadline so that he can perfect this Court's jurisdiction over his appeal. He did not file a request to extend the time to file his appeal within fifteen days of the date his notice of appeal was due. *See* Tex. R. App. P. 26.3. Thus, the Rules of Appellate Procedure do not authorize appellate courts to remedy notices of appeal under the circumstances that are shown in this appellate record.

We hold that the Court lacks jurisdiction over Masters' appeal. For that reason, we dismiss Masters' appeal for lack of jurisdiction.

APPEAL DISMISSED.

PER CURIAM

Submitted on November 24, 2020
Opinion Delivered November 25, 2020

Before Kreger, Horton, and Johnson, JJ.