



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-22-00207-CV

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EDDIE LEE DAUGHERTY, Appellant

v.

TAYLOR REANN PINKSTON, Appellee

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On Appeal from the 231st District Court  
Tarrant County, Texas  
Trial Court No. 231-707831-21

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Before Kerr, Birdwell, and Bassel, JJ.  
Memorandum Opinion by Justice Kerr

## MEMORANDUM OPINION

Eddie Lee Daugherty attempts to appeal from the trial court's February 15, 2022 family-violence protective order. *See* Tex. Fam. Code Ann. §§ 81.001, 81.009, 85.001(b), 85.022. Because Daugherty timely moved for a new trial, his notice of appeal was due May 16, 2022. *See* Tex. R. App. P. 26.1(a)(1). But Daugherty did not file his notice of appeal until May 31, 2022, making it untimely. *See id.*

On June 2, 2022, we notified the parties by letter of our concern that we lack jurisdiction over this appeal because the notice of appeal was untimely filed. *See* Tex. R. App. P. 26.1. We warned that we could dismiss this appeal for want of jurisdiction unless Daugherty or any party wanting to continue the appeal filed a response by June 13, 2022, showing a reasonable explanation for the late filing of the notice of appeal. *See* Tex. R. App. P. 10.5(b), 26.3(b), 42.3(a), 43.2(f). We have received no response.

The time for filing a notice of appeal is jurisdictional in this court, and without a timely filed notice of appeal or a timely filed extension request, we must dismiss the appeal. *See* Tex. R. App. P. 2, 25.1(b), 26.1, 26.3; *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). A motion for extension of time is necessarily implied when, as here, an appellant acting in good faith files a notice of appeal beyond the time allowed by Rule 26.1 but within the 15-day period in which the appellant would be entitled to move to extend the filing deadline under Rule 26.3. *See Jones*, 976 S.W.2d at 677; *Verburgt*, 959 S.W.2d at 617; *see also* Tex. R. App. P. 26.1, 26.3. But even when an extension motion is implied, the

appellant still must reasonably explain the need for an extension. *See Jones*, 976 S.W.2d at 677; *Verburgt*, 959 S.W.2d at 617.

Because Daugherty's notice of appeal was untimely and because Daugherty did not provide a reasonable explanation for needing an extension, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f); *see Veritek LLC v. TBI Constr. Servs. LLC*, No. 02-20-00287-CV, 2021 WL 62129, at \*1 (Tex. App.—Fort Worth Jan. 7, 2021, no pet.) (mem. op.).

/s/ Elizabeth Kerr  
Elizabeth Kerr  
Justice

Delivered: June 30, 2022