



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

No. 02-22-00221-CV

RONNIE RAY GREEN, Appellant

v.

TENNILLE DAWN GREEN, Appellee

On Appeal from the 271st District Court
Wise County, Texas
Trial Court No. CV20-08-601

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

MEMORANDUM OPINION

Ronnie Ray Green attempts to appeal from the trial court's February 25, 2022 final divorce decree. Because Green timely moved for a new trial, his notice of appeal was due May 26, 2022. *See* Tex. R. App. P. 26.1(a)(1). But Green did not file his notice of appeal until June 9, 2022, making it untimely. *See id.*

On June 10, 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 Green or any party wanting to continue the appeal filed a response by June 21, 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 Green's notice of appeal was untimely and because Green 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: July 28, 2022