



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-14-00285-CV

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**IN THE MATTER OF THE MARRIAGE OF  
KARLA ELIZABETH HERNANDEZ AND JOSE LUIS MORENO PEREZ  
AND IN THE INTEREST OF L.H. AND B.H., CHILDREN**

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On Appeal from the 170th District Court  
McLennan County, Texas  
Trial Court No. 2014-240-4, Honorable Jim Meyer, Presiding

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August 5, 2014

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant Jose Luis Moreno Perez, acting *pro se*, filed notice of appeal of the trial court's final decree of divorce. We will dismiss the appeal for want of jurisdiction.

The trial court signed the final decree on May 1, 2014. Appellant's notice of appeal was filed on June 11. Because the notice of appeal was not timely filed within thirty days after the date of the final decree, but was filed within the fifteen-day period thereafter, the Tenth Court of Appeals notified appellant on June 18 that his motion for extension was implied but he must provide a reasonable explanation in writing for the

late filing of the notice of appeal.<sup>1</sup> The Tenth Court allowed appellant twenty-one days to provide his explanation, making it due no later than July 9. Its letter also advised appellant that his appeal was subject to dismissal for want of jurisdiction if he did not provide the written explanation. See TEX. R. APP. P. 42.3(a), 44.3.

By order of the Supreme Court of Texas, the appeal was transferred to this court on July 9. Appellant was notified by letter of the transfer. To this date, appellant has not submitted a written explanation of his reasons for filing his notice of appeal after the thirty-day period provided by rule, either to this court or the Tenth Court of Appeals.

The times for filing a notice of appeal are jurisdictional, and absent a timely filed notice of appeal or an extension request, we must dismiss the appeal. See TEX. R. APP. P. 25.1(b), 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Because appellant's notice of appeal was not timely filed and he has provided no explanation for the late filing, the appeal is dismissed for want of jurisdiction. See TEX. R. APP. P. 42.3(a), 43.2(f).

James T. Campbell  
Justice

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<sup>1</sup> In its letter to appellant, the Tenth Court cited its order in *In re B.G.*, 104 S.W.3d 565 (Tex. App.—Waco 2002, no pet.) for the requirement of a reasonable explanation for the late notice of appeal. Our court's case law on the requirement for such an explanation is consistent with that of the Tenth Court. See, e.g., *Gibbs v. Allsup Enters.*, 153 S.W.3d 603 (Tex. App.—Amarillo 2004, pet. denied) (per curiam).