



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

No. 07-15-00217-CV

IN THE INTEREST OF S.L.J., S.D.J. AND S.F.J., CHILDREN

On Appeal from the County Court at Law No 3
Lubbock County, Texas
Trial Court No. 2012-501,593, Honorable Judy Parker, Presiding

July 10, 2015

MEMORANDUM OPINION

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

J.K.J., appellant, attempts to appeal an order modifying possession of his three children. The order was signed on April 27, 2015. His notice of appeal was filed with the district clerk on June 1, 2015. We dismiss for failing to comply with a notice and court order requiring a response within a specified time. TEX. R. APP. P. 42.3(c).

Appellant's notice of appeal was due on May 27, 2015. See TEX. R. APP. P. 26.1. Though appellant filed a notice of appeal on June 1, 2015, no motion requesting an extension of the deadline accompanied it. Under Texas Rule of Appellate Procedure 26.3, the Court may extend the time to file a notice of appeal if, within 15 days after the deadline expires, the appellant files the notice of appeal along with a motion requesting

an extension that reasonably explains the need for an extension. See TEX. R. APP. P. 26.3 & 10.5(b). Although a motion for extension is implied when an appellant tenders a notice of appeal within 15 days after the notice deadline, it is still necessary for appellant to reasonably explain the need for an extension. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617, (Tex. 1997); *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998).

Because appellant filed a notice of appeal within 15 days after the deadline, a motion for extension was implied. Yet, we ordered him to explain, in writing and by June 26, 2015, why the notice of appeal was filed late. We also informed appellant that the failure to comply with the directive would result in dismissal of the appeal. See TEX. R. APP. P. 42.3. That deadline also lapsed without appellant responding to our directive for an explanation.

Accordingly, we dismiss the appeal under Texas Rule of Appellate Procedure 42.3(c) because appellant failed to comply with a notice and court order requiring a response within a specified time. Of course, appellant has 15 days to file a motion for rehearing wherein he may comply with our earlier directive.

Per Curiam