



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

No. 07-15-00308-CV

IN THE INTEREST OF H.H., A CHILD

On Appeal from the 237th District Court
Lubbock County, Texas
Trial Court No. 2001-514,345, Honorable Cecil Puryear, Presiding

September 18, 2015

MEMORANDUM OPINION

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

Appellant, G.H., attempts to appeal a Final Order in Suit Affecting the Parent-Child Relationship signed on July 17, 2015. We dismiss the appeal for want of jurisdiction and because G.H. failed to comply with the Court's order requiring a written explanation for his late notice of appeal.

G.H.'s notice of appeal was due on August 6, 2015. See TEX. R. APP. P. 26.1(b). G.H. filed a notice of appeal with this Court on August 10, 2015, but did not file a motion requesting an extension of time to file the notice of appeal. As such, G.H.'s

notice of appeal failed to invoke the jurisdiction of this Court. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

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 the appellant tenders a notice of appeal within 15 days after the notice deadline, it is still necessary for the appellant to reasonably explain the need for an extension. See *Verburgt*, 959 S.W.2d at 617; *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998).

Because G.H. filed a notice of appeal within 15 days after the deadline, a motion for extension was implied. However, the Court ordered G.H. to file a written response by September 3, 2015, explaining why the notice of appeal was filed late. The Court also informed G.H. that the failure to comply with the Court's directive would result in dismissal of the appeal. See TEX. R. APP. P. 42.3(a), (c). G.H. did not respond to the Court's directive for a written explanation.

Accordingly, we dismiss the appeal for want of jurisdiction and because G.H. failed to comply with a court order requiring a response within a specified time. TEX. R. APP. P. 42.3(a), (c).

Mackey K. Hancock
Justice