



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

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No. 07-23-00262-CV

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**STEPHEN PATRICK BLACK, APPELLANT**

**V.**

**CHRISTIAN CRUZ, APPELLEE**

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**On Appeal from the County Court  
Lamb County, Texas  
Trial Court No. CC-3443, Honorable James M. DeLoach, Presiding**

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**October 19, 2023**

**ORDER OF ABATEMENT AND REMAND**

**Before QUINN, C.J., and PARKER and YARBROUGH, JJ.**

Appellant, Stephen Patrick Black, proceeding pro se, appeals from the trial court's summary judgment order in favor of Appellee, Christian Cruz. We previously remanded this cause to the trial court to rule on Black's sworn motion to extend the notice of appeal deadline, then pending in the trial court, pursuant to Rule of Civil Procedure 306a.<sup>1</sup> *Black*

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<sup>1</sup> The trial court signed the summary judgment order on April 13, 2023. On June 27, 2023, Black filed a notice of appeal and a sworn motion to extend the appellate deadline. In his Rule 306a motion, Black asserts that he did not receive notice or acquire actual knowledge of the order until June 13, 2023, when he received a certified mailing from the trial court clerk.

*v. Cruz*, No. 07-23-00262-CV, 2023 Tex. App. LEXIS 5958, at \*2 (Tex. App.—Amarillo Aug. 9, 2023, order) (per curiam). In our order of abatement and remand, we directed the trial court to (1) conduct a hearing, (2) rule on Black’s motion, and (3) enter a finding of the date Black received notice or acquired actual knowledge of the signing of the summary judgment order. On September 19, 2023, the trial court held a hearing on the motion. On September 21, 2023, the trial court signed an order finding that Black “did not produce any competent evidence that the [summary judgment order] was not delivered to [him] in a timely manner” and “denied” Black’s 306a Motion.<sup>2</sup> The trial court did not, however, enter a finding of the date Black received notice or acquired actual knowledge of the summary judgment order.

Accordingly, we abate this appeal and remand the cause for the trial court to enter a finding of the date Black received notice or acquired actual knowledge of the signing of the summary judgment order. See TEX. R. APP. P. 4.2; TEX. R. CIV. P.306a. The trial court shall enter its findings in a written order and include the order in a clerk’s record to be filed with this Court by November 20, 2023.

It is so ordered.

Per Curiam

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<sup>2</sup> On September 27, 2023, Black filed a “Notice of Appeal” from the trial court’s 306a ruling.