



NUMBER 13-17-00466-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**INTERNATIONAL BC GROUP
LLC, MINERVA CARRIZALES
HERNANDEZ, AND JORGE
ALBERTO BRIONES RODRIGUEZ,**

Appellants,

v.

LONE STAR NATIONAL BANK,

Appellee.

**On appeal from the 206th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Longoria and Hinojosa
Memorandum Opinion by Justice Longoria**

Appellants, International BC Group LLC, Minerva Carrizales Hernandez, and Jorge Alberto Briones Rodriguez, attempted to perfect an appeal from a judgment entered

by the 206th District Court of Hidalgo County, Texas, in cause number C-3623-16-D. Judgment in this cause was signed on July 18, 2017. No motion for new trial was filed. Pursuant to Texas Rule of Appellate Procedure 26.1, appellants' notice of appeal was due on August 17, 2017, but was not filed until August 18, 2017.

A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18, 619 (1997) (construing the predecessor to Rule 26). However, appellant must provide a reasonable explanation for the late filing: it is not enough to simply file a notice of appeal. *Id.*; *Woodard v. Higgins*, 140 S.W.3d 462, 462 (Tex. App. Amarillo 2004, no pet.); *In re B.G.*, 104 S.W.3d 565, 567 (Tex. App. Waco 2002, no pet.).

On August 21, 2017, the Clerk of this Court notified appellants of this defect so that steps could be taken to correct the defect, if it could be done. Appellants were advised that, if the defect was not corrected within ten days from the date of receipt of this Court's letter, the appeal would be dismissed. To date, no response has been received from appellants providing a reasonable explanation for the late filing of the notice of appeal.

The Court, having examined and fully considered the documents on file, appellants' failure to timely perfect his appeal, and appellants' failure to respond to this Court's notice, is of the opinion that the appeal should be dismissed for want of

jurisdiction. Accordingly, the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a)(c).

NORA L. LONGORIA
Justice

Delivered and filed the
26th day of October, 2017.