

**Dismissed and Opinion filed September 13, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-01-00707-CV**

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**IN THE INTEREST OF A.L.B., Appellant**

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**On Appeal from the 361st District Court  
Brazos County, Texas  
Trial Court Cause No. 7914-361**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed March 6, 2001. Appellant filed an untimely motion for new trial on April 6, 2001, but had filed a timely request for findings of fact and conclusions of law on March 23, 2001. Appellant's notice of appeal was filed on June 20, 2001.

When appellant has filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or a request for findings of fact and conclusions of law, the notice of appeal must be filed within ninety days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a).

Appellant's notice of appeal was not filed timely. 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 (1997) (construing the predecessor to Rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. See TEX. R. APP. P. 26.3, 10.5(b)(1)(C); *Verburgt*, 959 S.W.2d at 617-18. Appellant's notice of appeal was not filed within the fifteen-day period provided by rule 26.3.

On August 21, 2001, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed September 13, 2001.

Panel consists of Justices Anderson, Hudson, and Frost.

Do Not Publish — TEX. R. APP. P. 47.3(b).