



**COURT OF APPEALS FOR THE  
FIRST DISTRICT OF TEXAS AT HOUSTON**

**ORDER**

Appellate case name: Bennie Paul Lewis III v. Alexis Brittany Lewis

Appellate case number: 01-19-00857-CV

Trial court case number: 14-FD-1399

Trial court: County Court at Law No 1 of Galveston County

Appellant, Bennie Paul Lewis III, appeals from a divorce decree signed on August 12, 2019. On September 4, 2020, appellant filed a request for findings of fact and conclusions of law. Appellant filed his notice of appeal on November 4, 2019.

The deadline for filing a notice of appeal is typically thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. This deadline will be extended to ninety days after the judgment is signed if the appellant timely files a motion for new trial, motion to modify the judgment, a motion to reinstate, or under certain circumstances, a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1(a); *Zhuang v. Zhang*, No. 01-17-00518-CV, 2017 WL 5712544, at \*1 (Tex. App.—Houston [1st Dist.] Nov. 28, 2017, pet. denied). To be timely, a request for findings and conclusions must be filed within twenty days after the date the judgment is signed. *See* TEX. R. CIV. P. 296.

Twenty days from the date the judgment was signed would have been Sunday, September 1, 2019. Monday, September 2, 2019, was a holiday—Labor Day. Thus, the request for findings and conclusions would have been timely if filed on Tuesday, September 3, 2019. *See* TEX. R. APP. P. 4.1(a). The clerk’s record copy of the request for findings and conclusions indicates that it was filed on September 4, 2020. If the request for findings and conclusions was not timely filed, it did not extend the deadline for filing the notice of appeal. *See Zhuang*, 2017 WL 5712544, at \*1. If the request for findings and conclusions was not timely filed, the notice of appeal was due thirty days after the judgment was signed, or on September 11, 2019.

Absent a timely-filed notice of appeal, this Court lacks jurisdiction over the appeal. *See In the Interest of K.A.F., A Child*, 160 S.W.3d 923, 928 (Tex. 2005).

Accordingly, this order shall serve as notice that the Court may dismiss this appeal for want of jurisdiction unless you file a written response to this notice, providing a detailed explanation, citing relevant portions of the record, statutes, rules, and case law to show that this Court has jurisdiction over the appeal. *See* TEX. R. APP. P. 42.3(a).

The final deadline to file your response is **5:00 p.m., July 17, 2020**. You must respond in writing even if you have previously claimed your notice of appeal was timely filed.

It is so ORDERED.

Judge's signature: \_\_\_\_\_/s/ Peter Kelly \_\_\_\_\_  
 Acting individually     Acting for the Court

Date: July 7, 2020