

Motions Denied; Appeal Dismissed and Memorandum Opinion filed July 16, 2020.



In The

Fourteenth Court of Appeals

NO. 14-20-00232-CV

DANIEL PEREZ-NEGRON, Appellant

V.

DONALD DAVIS, Appellee

**On Appeal from the 295th District Court
Harris County, Texas
Trial Court Cause No. 2015-47178**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed December 4, 2019. Appellant filed a timely motion for new trial on January 3, 2020. Appellant's notice of appeal was filed March 19, 2020.

When appellant has filed a timely post-judgment motion, the notice of appeal must be filed within 90 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 Texas Rule of Appellate Procedure 26.1, but within the 15-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). Appellant’s notice of appeal was not filed within the 15-day period provided by Texas Rule of Appellate Procedure 26.3 and, while the Emergency Orders promulgated by the Texas Supreme Court give us discretion to extend certain deadlines within our court, we do not believe it gives us discretion to enlarge our jurisdiction.

On April 13, 2020, notification was transmitted to all parties of the court’s intention to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant’s response fails to demonstrate that this court has jurisdiction to entertain the appeal.

We dismiss the appeal.

PER CURIAM

Panel consists of Justices Bourliot, Hassan and Poissant.