

**Motions Denied; Appeal Dismissed and Memorandum Opinion filed July 23, 2020.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-20-00472-CV**

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**ATTIP GROUP LLC, Appellant**

**V.**

**CITY OF FULSHEAR, Appellee**

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**On Appeal from the 434th Judicial District Court  
Fort Bend County, Texas  
Trial Court Cause No. 18-DCV-250347**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed March 9, 2020. Appellant timely filed a request for findings of fact and conclusions of law on March 30, 2020, and timely filed a motion for new trial on April 8, 2020. Appellant's notice of appeal was due June 8, 2020. Appellant's notice of appeal was filed June 30, 2020.

When appellant has filed a timely post-judgment motion or appropriate 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 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, which expired on June 23, 2020.

Appellee has filed a motion to dismiss this appeal for lack of jurisdiction based upon appellant’s failure to timely perfect his appeal. Appellant responded to that motion and filed a motion for extension of time. Appellee replied to appellant’s response and filed a response to appellant’s motion. Appellant refers to the Emergency Orders promulgated by the Texas Supreme Court which give us discretion to extend deadlines. We do not, however, interpret those orders to give us discretion to enlarge our jurisdiction. Furthermore, appellant’s reliance upon his request for findings of fact and conclusions of law is misplaced as it only operated to extend the appellate timetable for ninety days. *See* Tex. R. App. P. 26.1(a)(4).

Accordingly, we deny appellant’s motion to extend time to file his notice of appeal to June 30, 2020. Appellee’s motion to dismiss this appeal is granted and we dismiss the appeal.

PER CURIAM

Panel consists of Justices Jewell, Bourliot, and Zimmerer.