Fourth Court of Appeals
San Antonio, Texas

December 22, 2015

No. 04-15-00797-CV

IN THE MATTER OF B.M.G.,

From the 386th Judicial District Court, Bexar County, Texas
Trial Court No. 2015-JUV-00638
Honorable Laura Parker, Judge Presiding

O R D E R

The trial court signed a final judgment on August 31, 2015. Appellant filed a timely motion for new trial on September 24, 2015. Therefore, the notice of appeal was due to be filed November 30, 2015. *See* TEX. R. APP. P. 26.1(a). A motion for extension of time to file the notice of appeal was due on December 15, 2015. *See* TEX. R. APP. P. 26.3. Appellant filed a notice of appeal on December 17, 2015, but did not file a motion for extension of time. It thus appears that notice of appeal was not timely filed.

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 (Tex. 1997) (construing the predecessor to Rule 26). But "once the period for granting a motion for extension of time under Rule [26.3] has passed, a party can no longer invoke the appellate court's jurisdiction." *Id*.

It is therefore ORDERED that appellant show cause in writing within fifteen days from the date of this order why this appeal should not be dismissed for lack of jurisdiction. All other appellate deadlines are suspended pending our resolution of the jurisdiction issue.

Sandee Bryan Marion
Sandee Bryan Marion, Chief Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 22nd day of December, 2015.

COURT OF APPEALS STATE OF TEXAS

Keith E. Hottle
Clerk of Court