

Dismissed and Opinion filed June 8, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00496-CV

BENNY E. TRIMBLE, Appellant

V.

**CHU VAN DINH, WILLIAM SHELBY, DICK CASON, AND CECILIA OKOYE,
Appellees**

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 9372*I99**

OPINION

This is an attempted appeal from an order granting appellees' cross-motion for summary judgment, signed January 6, 2000. No motion for new trial was filed. Appellant's notice of appeal was filed April 19, 2000.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not 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. *See* TEX. R. APP. P. 26.1.

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 May 18, 2000, 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 on June 8, 2000.

Panel consists of Justices Amidei, Anderson and Frost

Do Not Publish — *See* TEX.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