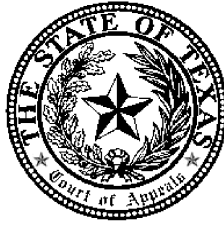


Dismissed and Opinion filed September 20, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00702-CV

**FRANCISCA FLORES AND PEDRO COMACHO, INDIVIDUALLY AND ON
BEHALF OF THE ESTATE OF THEIR SON RAUL COMACHO FLORES,
DECEASED, Appellants**

V.

**MALDONADO BROTHERS CORPORATION D/B/A MICHOACAN
RESTAURANT, Appellee**

**On Appeal from the 334th District Court
Harris County, Texas
Trial Court Cause No. 98-40256**

MEMORANDUM OPINION

This is an attempted appeal from a judgment, signed May 14, 2001. Appellants filed an untimely motion for new trial on June 15, 2001. Appellant's notice of appeal was filed July 23, 2001.

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.

Appellants' 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 August 30, 2001, 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). Appellants filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed September 20, 2001.

Panel consists of Justices Yates, Edelman, and Wittig.

Do Not Publish — TEX.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