

**Dismissed and Opinion filed September 21, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01068-CV**  
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**TCHEWAM LILY MUKWANGE, Appellant**

**V.**

**METRO TRANSIT AUTHORITY, Appellee**

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**On Appeal from the 113<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 00-18772**

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**OPINION**

This is an attempted appeal from a judgment signed June 28, 2000. No motion for new trial was filed. Appellant's notice of appeal was filed August 3, 2000. On September 7, 2000, appellee filed a motion to dismiss the appeal for want of jurisdiction.

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 (emphasis added).

Appellant's notice of appeal was filed within the fifteen-day period provided by rule 26.3. Thus, on September 7, 2000, this Court issued an order requiring appellant to file a proper motion to extend time to file the notice of appeal on or before September 18, 2000. While appellant did file a motion to extend time to file her notice of appeal on September 14, 2000, the motion is not a "proper" motion under the mandates of rule 10.5(b)(1)(C), rule 26.3, and *Verburgt*. Specifically, appellant's motion does not reasonably explain the need for the extension. *See TEX. R. APP. P. 26.3, 10.5(b)(1)(C); Verburgt*, 959 S.W.2d at 617-18. This Court has previously held that an appellant is obligated to come forward with a reasonable explanation to support the late filing of the notice of appeal. *See Miller v. Greenpark Surgery Ctr. Assocs., Ltd.*, 974 S.W.2d 805, 808 (Tex. App.—Houston [14th Dist.] 1998, no pet.). In *Miller*, we held that where the appellants failed to provide any reasonable explanation or cite any evidence in the record to justify the late filing, there was no good cause to extend the filing deadline for the notice of appeal. *See id.*

In this case, appellant's motion to extend time to file the notice of appeal does not provide any explanation to justify the late filing of the notice of appeal. Appellant merely states that granting the extension will not "prejudice or inconvenience the appellee in any manner, nor will the time of submission of this case be extended by granting an extension of time in which to file appellant's notice of appeal." This is not an explanation for appellant's failure to timely file the notice of appeal; rather, it is merely a unsupported statement that granting the motion will not harm appellees.

Because appellant has not provided this Court with an explanation, reasonable or

otherwise, to justify the late filing of the notice of appeal, we find that no good cause exists to extend the filing deadline. Accordingly, we deny appellant's motion to extend time to file the notice of appeal and grant appellee's motion to dismiss for want of jurisdiction. Because this Court does not have the authority to entertain an appeal that is not timely perfected, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed on September 21, 2000.

Panel consists of Justices Yates, Wittig, and Frost.

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