

COURT OF APPEALS, TENTH APPELLATE DISTRICT OF TEXAS

Marcus Blalock v. James Polk

No. 10-26-00068-CV · No. No. 10-26-00068-CV · Decided March 19, 2026

SUMMARY

The Texas Tenth Court of Appeals dismissed Marcus Blalock’s appeal for want of jurisdiction because his notice of appeal was filed after the applicable deadline. The court held that Blalock’s notice was due December 29, 2025, and that his February 20, 2026 filing was untimely despite his pending motion that had been overruled by operation of law.

CASE DETAILS

COURT	Court of Appeals, Tenth Appellate District of Texas
WRITING FOR THE COURT	Justice Lee Harris; Chief Justice Johnson; Justice Smith; Justice Harris
JURISDICTION	Texas Court of Appeals, Tenth Appellate District
DECIDED	March 19, 2026
DOCKET	No. 10-26-00068-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a judgment of the County Court at Law of Navarro County, Texas; the court of appeals reviewed whether the notice of appeal was timely and whether it had jurisdiction.
STANDARD OF REVIEW	The court determined its appellate jurisdiction based on the statutory and procedural deadlines governing notices of appeal.
PRECEDENTIAL VALUE	Published
PARTIES	Marcus Blalock v. James Polk

TOPICS

- appellate jurisdiction
- appellate procedure
- final judgment rule
- motion for reconsideration
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the notice of appeal filed on February 20, 2026, was timely under Texas Rules of Appellate Procedure 26.1(a) and 26.3.
2. Whether the court of appeals had jurisdiction to consider the appeal despite the untimely notice of appeal.

HOLDINGS

1. When a timely motion to modify or reconsider the judgment is filed, the notice of appeal must be filed within 90 days after the judgment is signed; an extension is available only if a motion to extend is filed within 15 days after the notice-of-appeal deadline.
2. An untimely notice of appeal deprives the court of appeals of jurisdiction, requiring dismissal of the appeal for want of jurisdiction.

FACTUAL BACKGROUND

The trial court signed a judgment on September 26, 2025. Blalock timely filed a motion to reconsider on October 21, 2025, but the motion was overruled by operation of law after no hearing was set. Blalock filed his notice of appeal on February 20, 2026, nearly two months after the court of appeals calculated the December 29, 2025 deadline.

PROCEDURAL HISTORY

The trial court signed its judgment on September 26, 2025. Blalock filed a motion to reconsider on October 21, 2025, which was overruled by operation of law. He filed his notice of appeal on February 20, 2026. After notifying Blalock that the notice appeared untimely, the court of appeals dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-26-00068-CV Marcus Blalock, Appellant v. James Polk, Appellee On appeal from the County Court at Law of Navarro County, Texas Senior Judge H. D. Black Jr., presiding Trial Court Cause No. C24-32228-CV JUSTICE HARRIS delivered the opinion of the Court. MEMORANDUM OPINION Appellant, Marcus Blalock, appealed from a judgment signed by the trial court on September 26, 2025.

Blalock filed a motion to reconsider in the trial court on October 21, 2025, which was overruled by operation of law. Blalock filed a notice of appeal in the trial court on February 20, 2026. Blalock was notified by letter from the Clerk of this Court that the notice of appeal appears to be

untimely and that the appeal would be dismissed for want of jurisdiction if Blalock did not show grounds for continuing the appeal.

Blalock has filed a response showing that he was attempting to get a hearing from the trial court but a hearing was never set until he found out that the motion had been overruled by operation of law. A notice of appeal must be filed within 90 days after the judgment is signed when a motion to modify the judgment is timely filed. TEX. R. APP. P. 26.1(a).

The deadline for filing a notice of appeal may be extended if a motion is filed to extend the deadline within 15 days of the deadline to file a notice of appeal. TEX. R. APP. P. 26.3. Beyond that time, the notice of appeal is untimely, and this Court is without jurisdiction to consider it.

In this appeal, the notice of appeal was due on December 29, 2025, due to holidays and weekends. The notice of appeal was filed almost two months later, and was therefore, untimely. Accordingly, this Court does not have jurisdiction and this appeal is dismissed for want of jurisdiction. LEE HARRIS Justice OPINION DELIVERED and FILED: March 19, 2026 Before Chief Justice Johnson, Justice Smith, and Justice Harris Appeal dismissed CV06 Blalock v. Polk Page 2