

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.

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

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