

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Mariano Munivez and BCT Construction, LLC v. Arturo Alonso

Munivez · No. 13-25-00474-CV · Decided April 30, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed the appeal for lack of jurisdiction because appellants filed their notice of appeal after the applicable deadline. The court held that the timely motion for new trial extended the deadline to ninety days after the judgment was signed, and appellants’ Rule 306a request did not alter that deadline.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Clarissa Silva; Justice Silva; Justice Peña; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	April 30, 2026
DOCKET	13-25-00474-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a judgment of the 357th District Court of Cameron County. The court of appeals sua sponte considered whether the notice of appeal was timely and dismissed the appeal for want of jurisdiction.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Mariano Munivez, BCT Construction, LLC v. Arturo Alonso

TOPICS

- appellate jurisdiction
- appellate procedure
- final judgment rule
- motion for new trial
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Construction law

QUESTIONS PRESENTED

1. Whether the notice of appeal was timely filed when the judgment was signed on June 25, 2025, appellants timely filed a motion for new trial, and the notice of appeal was filed on September 25, 2025.
2. Whether the court of appeals had jurisdiction when the trial court denied relief under Texas Rule of Civil Procedure 306a and appellants failed to cure the untimely appeal after notice of the defect.

HOLDINGS

1. When a party timely files a motion for new trial within thirty days after the judgment is signed, the notice-of-appeal deadline is ninety days after the judgment is signed. Because appellants' notice was filed on September 25, 2025, two days after the September 23, 2025 deadline, it was untimely.
2. Absent a timely notice of appeal, the court of appeals lacks jurisdiction and may dismiss the appeal for want of jurisdiction when the appellant fails to cure the defect after notice.

KEY QUOTATIONS

“Absent a timely filed notice of appeal, this court lacks jurisdiction over the appeal.” (at 2)

FACTUAL BACKGROUND

The trial court signed the judgment on June 25, 2025, although the district clerk did not mark it filed until June 27, 2025. Appellants filed a motion for new trial on July 18, 2025, and a notice of appeal on September 25, 2025. After the trial court denied appellants' request under Texas Rule of Civil Procedure 306a to adjust post-judgment deadlines, appellants filed an amended notice of appeal, but it did not cure the jurisdictional defect.

PROCEDURAL HISTORY

The district court signed the judgment on June 25, 2025. Appellants filed a motion for new trial on July 18, 2025, and a notice of appeal on September 25, 2025. After the appellate court questioned timeliness, appellants sought relief under Texas Rule of Civil Procedure 306a; the trial court denied that relief. The court of appeals reinstated the appeal, provided an opportunity to cure the jurisdictional defect, and dismissed after the amended notice of appeal did not cure the untimeliness.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Best v. Harper, 562 S.W.3d 1, 7 (Tex. 2018)
- Allstate Ins. Co. v. Barnet, 589 S.W.3d 313, 317 (Tex. App.—El Paso 2019, no pet.)
- Baker v. Regency Nursing & Rehab. Ctrs., Inc., 534 S.W.3d 684, 684 (Tex. App.—Corpus Christi—Edinburg 2017, no pet.)

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