

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.)

OPINION

Mariano Munivez and BCT Construction, LLC v. Arturo Alonso

PER CURIAM.

NUMBER 13-25-00474-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

MARIANO MUNIVEZ AND

BCT CONSTRUCTION, LLC, Appellants, v. ARTURO ALONSO, Appellee.

ON APPEAL FROM THE 357TH DISTRICT COURT

OF CAMERON COUNTY, TEXAS

MEMORANDUM OPINION

Before Justices Silva, Peña, and Fonseca Memorandum Opinion by Justice Silva This cause is before the Court on its own motion. We must sua sponte consider whether appellants failed to timely perfect their appeal to this Court, an issue which affects our jurisdiction. See *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.). We dismiss the appeal as untimely.

I. BACKGROUND

Appellants attempted to perfect an appeal from a judgment entered in trial court cause number 2023-DCL-00171. The judgment was signed on June 25, 2025 but was not marked filed by the district clerk’s office until June 27, 2025. Appellants filed a motion for new trial on July 18, 2025. Appellants then filed a notice of appeal on September 25, 2025. On October 2, 2025, the Clerk of the Court notified appellants that it appeared the appeal had not been timely perfected. On October 6, 2025, appellants filed with the trial court a motion titled “Motion for TRCP 306a5 Relief to Adjust Post-Judgment Deadlines.” See TEX. R. CIV. P. 306a(4)–(5). On December 12, 2025, we abated this appeal and remanded the cause to the trial court to determine whether relief under Texas Rule of Civil Procedure 306a applies to appellants’ motion and, if so, to proceed under that rule to identify the date on which appellants first learned of the subject judgment of this appeal. On February 25, 2026, the trial court signed an order denying appellants’ relief to adjust post-judgment deadlines. On March 25, 2026, we reinstated the appeal, and the Clerk of the Court sent appellants notice that the appeal had not been timely perfected. Appellants were further notified that the appeal would be dismissed if the defect was not cured within ten days. See TEX. R. APP. P. 42.3. On March 31, 2026, appellants filed an amended notice of appeal; however, the amended notice of appeal did not cure the jurisdictional defect. 2

II. APPLICABLE LAW

Absent a timely filed notice of appeal, this court lacks jurisdiction over the appeal. *Baker v.*

Regency Nursing & Rehab. Ctrs., Inc., 534 S.W.3d 684, 684(Tex. App.—Corpus Christi—Edinburg 2017, no pet.). Generally, a notice of appeal is due within thirty days after the judgment is signed. See TEX. R. APP. P. 26.1. If, within thirty days after the judgment is signed, any party timely files a motion for new trial, the deadline to file a notice of appeal is extended to ninety days after the date the judgment is signed. See id. R. 26.1(a); TEX. R. CIV. P. 296, 329b(a), (g). Texas Rule of Civil Procedure 306a(3) requires the clerk of the court to provide notice regarding the entry of judgments or appealable orders. See TEX. R. CIV. P. 306a(3). The rule states, in relevant part: When the final judgment or other appealable order is signed, the clerk of the court must immediately send the judgment or order to the parties as provided in Rule 21(f)(10). . . . Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4). Id. Paragraph (1) provides that the deadline for filing post-judgment motions, such as a motion for new trial or motion to reinstate a case, runs from the date the judgment is signed and the clerk’s failure to provide notice does not impact such dates. See id. R. 306a(1).

III. ANALYSIS

The judgment subject to appellants’ attempted appeal was signed on June 25, 2025. Appellants’ motion for a new trial was timely because it was filed within thirty days of the trial court’s judgment. See TEX. R. APP. P. 26.1; TEX. R. CIV. P. 296, 329b(a), (g). 3 Therefore, appellants’ deadline to file its notice of appeal was extended to ninety days after the date the judgment was signed—which in this case is Tuesday, September 23, 2025. Appellants did not file their notice of appeal until September 25, 2025. The trial court has denied appellants’ request for adjustment of post-judgment deadlines under Texas Rule of Civil Procedure 306a. See TEX. R. CIV. P. 306a(4)–(5). Accordingly, appellants’ notice of appeal was not filed timely under the appellate rules. See TEX. R. APP. P. 26.1. Furthermore, appellants have been provided notice of the defect and have failed to correct it, so the case may be dismissed for want of jurisdiction. See id. R. 42.3(a); Baker, 534 S.W.3d at 684.

IV. CONCLUSION

The Court, having examined and fully considered the appellants’ pleadings, the record, and the applicable law, is of the opinion that the notice of appeal was untimely, and we lack jurisdiction over the appeal. Accordingly, we dismiss the appeal for lack of jurisdiction. See TEX. R. APP. P. 42.3(a).

CLARISSA SILVA

Justice Delivered and filed on the 30th day of April, 2026. 4