

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

In the Matter of the Marriage of Malaki Polite Hawkins and Hale
Horley Hawkins

No. 13-26-00316-CV · No. 13-26-00316-CV · Decided June 4, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed an appeal from a divorce decree for want of jurisdiction. The court held that the appellant's notice of appeal and motion for extension of time were not timely under Texas Rule of Appellate Procedure 26.3.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Clarissa Silva; Peña; Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	June 4, 2026
DOCKET	13-26-00316-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a final divorce decree in which the appellant filed an untimely notice of appeal and sought extensions of time.
STANDARD OF REVIEW	The court applied the Texas Rules of Appellate Procedure governing appellate deadlines and subject-matter jurisdiction; jurisdictional compliance was reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Hale Horley Hawkins

TOPICS

- family law procedure
- divorce
- appellate jurisdiction
- final judgment rule
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appellate court could grant an extension of time to file the notice of appeal when the notice was filed within the fifteen-day grace period but the motion for extension was filed after that period expired.
2. Whether the court had jurisdiction over the appeal and the pending motions.

HOLDINGS

1. A party seeking an extension under Texas Rule of Appellate Procedure 26.3 must file both the notice of appeal and a compliant motion for extension within fifteen days after the notice-of-appeal deadline; filing the notice within the grace period alone is insufficient.
2. The court lacked jurisdiction over the appeal because appellant's notice of appeal and subsequent motion for extension of time did not satisfy the requirements of Rule 26.3.

KEY QUOTATIONS

“Nonetheless, appellant must provide a reasonable explanation for the late filing, and it is not enough to simply file a notice of appeal.” (at 2)

“Because appellant’s notice of appeal and subsequent motion for extension of time to file notice of appeal was untimely, we lack jurisdiction over the appeal.” (at 2–3)

FACTUAL BACKGROUND

The trial court signed a final divorce decree on December 4, 2025. Appellant filed a motion for new trial, followed by a notice of appeal on March 9, 2026. Although the notice was filed within Rule 26.3's fifteen-day grace period, appellant did not file the motion for extension of time until May 8, 2026, after that grace period had expired.

PROCEDURAL HISTORY

The trial court signed a final decree of divorce on December 4, 2025. Appellant filed a motion for new trial on December 10, 2025, then filed a notice of appeal on March 9, 2026. After the appellate clerk notified appellant that the appeal appeared untimely, appellant filed motions for extensions of time, including a motion for extension of time to file the notice of appeal after the fifteen-day grace period had expired. The court dismissed the motions and the entire cause for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- In re K.A.F., 160 S.W.3d 923, 926–27 (Tex. 2005)
- Verburgt v. Dorner, 959 S.W.2d 615, 616–17 (Tex. 1997)
- In re T.W., 89 S.W.3d 641, 642 (Tex. App.—Amarillo 2002, no pet.)

- Woodard v. Higgins, 140 S.W.3d 462, 462 (Tex. App.—Amarillo 2004, no pet.)

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