

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

**Hari Prasad Kalakonda and Latha Kalakonda v. Aspri Investments,
LLC**

Kalakonda v. Aspri Investments · No. 04-15-00340-CV · Decided June 22, 2015

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas June 22, 2015 No. 04-15-00340-CV Hari Prasad KALAKONDA and Latha Kalakonda, Appellants v. ASPRI INVESTMENTS, LLC, Appellee From the 37th Judicial District Court, Bexar County, Texas Trial Court No. 2015-CI-01910 Honorable Karen H. Pozza, Judge Presiding ORDER Appellants Hari Prasad Kalakonda and Latha Kaladonda seek to appeal the trial court's April 13, 2015, order denying their motion to dissolve a temporary injunction.

See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4) (authorizing interlocutory appeal from order overruling motion to dissolve temporary injunction). The appeal is accelerated. See TEX. R. APP. P. 28.1(a). When an appeal is accelerated, the notice of appeal is due within twenty days after the appealable order is signed. TEX. R. APP. P. 26.1(b), 28.1(b).

The filing of a request for findings of fact or a motion for new trial does not extend the time to perfect an accelerated appeal. TEX. R. APP. P. 28.1(b); *In re K.A.F.*, 160 S.W.3d 923, 925-927 (Tex. 2005). The court may grant an extension of time to file the notice of appeal if the notice and a motion for extension of time are filed within fifteen days of the deadline for filing the notice of appeal.

TEX. R. APP. P. 26.3, 28.1(b). A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by Rule 26.1 but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. See *Verburgt v. Dorner*, 959 S.W.2d 615, 615 (1997) (construing the predecessor to Rule 26).

However, once the fifteen day period for granting a motion for extension of time under Rule 26.3 has passed, a party can no longer invoke the appellate court's jurisdiction. *Id.* The Kalakondas' notice of appeal from the April 13 order denying the motion to dissolve the temporary injunction was due May 4, 2015, or the notice and a motion for extension of time were due fifteen days later on May 19, 2015.

This court construed the Kalakondas' letter dated May 20, 2015, and filed May 21, 2015, to be a bona fide attempt to invoke the jurisdiction of this court. However, the letter was filed after the

fifteen day period for granting a motion for extension of time under Rule 26.3 has passed. A timely notice of appeal is required to invoke this court's jurisdiction.

See *Sweed v. Nye*, 323 S.W.3d 873 (Tex. 2010). It does not appear from the record that the Kalakondas timely appealed the trial court's April 13, 2015 order. We therefore order a response due by July 7, 2015, showing cause why this appeal should not be dismissed for lack of jurisdiction. If appellants fail to satisfactorily respond within the time provided, the appeal will be dismissed.

See Tex. R. App. P. 42.3(a), (c). All deadlines in this matter are suspended until further order of the court. _____ Luz Elena D. Chapa, Justice
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 22nd day of June, 2015. _____ Keith E. Hottle Clerk of Court