DISMISS and Opinion Filed April 14, 2023

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-23-00258-CV

RODOLFO ESPINOSA LUA AND ANEL LUA, Appellants
V.
CAPITAL PLUS FINANCIAL, LLC, Appellee

On Appeal from the County Court at Law No. 3
Dallas County, Texas
Trial Court Cause No. CC-19-02051-C

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Pedersen, III
Opinion by Chief Justice Burns

Before the Court is appellants' motion for extension of time to file their notice of appeal. Appellants filed their notice of appeal in the trial court on March 17, 2023. In the notice of appeal, appellants state they are appealing the trial court's order rendered "on or about January 31, 2023." The trial court signed two orders on January 30, 2023.[1] It did not sign an order on January 31, 2023.

[1] The two orders signed on January 30, 2023 are: (1) Order on Plaintiff's Second Supplemental Motion for Issuance of Writ of Possession; and (2) Order on Plaintiff's Motion to Confirm Funds in the Registry of the Court and to Confirm the Arrearages of the Amounts Owed to Stay Writ of Possession. For purposes of this opinion, the Court assumes without deciding that the orders are appealable.

This Court's authority to grant an extension to file a notice of appeal is limited to appeals filed within fifteen days of the deadline prescribed by Texas Rule of Appellate Procedure 26.1. *See* TEX. R. APP. P. 26.3. Because appellants did not file a timely post-judgment motion extending appellate deadlines, the notice of appeal was due on March 1, 2023 or, with an extension motion, March 16th. *See id*. 26.1, 26.3. Appellants filed their notice of appeal on March 17th, one day past the last applicable deadline. Because the notice of appeal was filed beyond the fifteen-day grace period, we lack authority to grant it.

Accordingly, we deny the extension motion and dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

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Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

RODOLFO ESPINOSA LUA AND ANEL LUA, Appellants

No. 05-23-00258-CV V.

CAPITAL PLUS FINANCIAL, LLC, Appellee

On Appeal from the County Court at Law No. 3, Dallas County, Texas
Trial Court Cause No. CC-19-02051-C.
Opinion delivered by Chief Justice Burns. Justices Molberg and Pedersen, III participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee CAPITAL PLUS FINANCIAL, LLC recover its costs of this appeal from appellants RODOLFO ESPINOSA LUA AND ANEL LUA.

Judgment entered April 14, 2023