

TEXAS APPEAL DEADLINE CALENDAR

Critical deadlines for Texas state and federal appellate practice — know them before you need them

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■ **CRITICAL:** Appellate deadlines in Texas are strict and largely unforgivable. Missing a jurisdictional deadline — especially the notice of appeal — can permanently extinguish your right to appeal regardless of the strength of your case. Always verify deadlines with a licensed Texas appellate attorney and calculate from the actual signed judgment date.

PART 1 — Texas State Court Civil Appeals (TRAP)

Governed by the Texas Rules of Appellate Procedure (TRAP). Deadlines run from the date the trial court SIGNS the judgment.

Deadline / Event	Timeframe	Rule	Notes
Notice of Appeal — no post-judgment motions	30 days	TRAP 26.1(a)	Jurisdictional. No extension available if missed.
Notice of Appeal — with timely post-judgment motion	90 days	TRAP 26.1(a)(1)–(6)	Applies if motion for new trial, JNOV, or motion to modify timely filed.
Motion to Extend Time (notice of appeal)	Within 15 days after deadline	TRAP 26.3	Must show reasonable explanation. Not guaranteed.
Clerk's Record Requested	10 days after notice filed	TRAP 34.5(b)	Request from trial court clerk. Specify contents.
Reporter's Record Requested	10 days after notice filed	TRAP 34.6(b)	Request from court reporter. Must arrange payment.
Appellant's Brief	30 days after clerk's record filed	TRAP 38.6(a)	30-day extension usually granted once on motion.

Deadline / Event	Timeframe	Rule	Notes
Appellee's Brief	30 days after appellant's brief	TRAP 38.6(b)	Extension available.
Appellant's Reply Brief	20 days after appellee's brief	TRAP 38.6(c)	Optional.
Motion for Rehearing	15 days after court of appeals judgment	TRAP 49.1	Must file before seeking Texas Supreme Court review.
Petition for Review (Texas Supreme Court)	45 days after COA judgment or denial of rehearing	TRAP 53.7(a)	Discretionary. Court grants only significant legal questions.

PART 2 — Texas State Court Criminal Appeals (TRAP / TCCP)

The Texas Court of Criminal Appeals (CCA) — not the Texas Supreme Court — is the court of last resort for criminal matters.

Deadline / Event	Timeframe	Rule	Notes
Notice of Appeal — Felony / Misdemeanor	30 days from sentencing	TRAP 26.2	Failure to file = no appellate jurisdiction.
Notice of Appeal — Death Penalty	Automatic	TCCP 37.071	Death penalty cases go directly to the CCA.
Appellant's Brief	30 days after record filed	TRAP 38.6(a)	Extensions common. CCA may abate for briefing issues.
State's Brief	30 days after appellant's brief	TRAP 38.6(b)	Filed by district attorney or attorney general.
PDR — Petition for Discretionary Review	30 days after COA decision	TRAP 68.2	Either party may file. CCA has broad discretion to grant or refuse.
Writ of Habeas Corpus (Art. 11.07)	No statute of limitations	TCCP 11.07	Only after direct appeal exhausted. Files in trial court; CCA rules.

PART 3 — Federal Civil Appeals (FRAP / 5th Circuit Local Rules)

Covers N.D. Tex. (Dallas), S.D. Tex. (Houston), E.D. Tex., and W.D. Tex. Deadlines run from date judgment is ENTERED on the docket — not the date the judge signs it.

Deadline / Event	Timeframe	Rule	Notes
Notice of Appeal — private parties	30 days from docket entry	FRAP 4(a)(1)(A)	Jurisdictional. Runs from clerk's docket entry, not judge's signature.
Notice of Appeal — U.S. government party	60 days from docket entry	FRAP 4(a)(1)(B)	Applies when U.S., federal agency, or federal officer is a party.
Effect of Post-Judgment Motions (Rules 50b, 52b, 59, 60)	Clock tolled until district court rules	FRAP 4(a)(4)	Motion must be timely filed. Untimely motions do NOT toll the clock.
Motion to Extend Time (notice of appeal)	Within 30 days after expiration	FRAP 4(a)(5)	Must show excusable neglect or good cause. Not automatic.
Transcript ordered	Within 14 days of notice filed	FRAP 10(b)	Or file certificate that transcript is not needed.
Appellant's Opening Brief	40 days after record filed	FRAP 31(a)(1)	13,000 word limit. Bluebook citations. 5th Cir. L.R. 32 applies.
Appellee's Response Brief	30 days after opening brief	FRAP 31(a)(1)	13,000 words. Same format requirements.
Appellant's Reply Brief	21 days after response brief	FRAP 31(a)(1)	6,500 word limit. Optional but often advisable.
Petition for Rehearing / En Banc	21 days (45 days if U.S. party)	FRAP 35, 40	En banc rarely granted. Reserve for circuit split or exceptional issue.
Petition for Certiorari (SCOTUS)	90 days after 5th Circuit judgment	28 U.S.C. § 2101(c)	Extremely rare grant. Best for genuine circuit splits.

PART 4 — Quick Reference: Most Critical Deadlines

Situation	Key Deadline	Consequence of Missing
Texas civil — no post-judgment motions	30 days	Appellate court loses jurisdiction permanently.
Texas civil — with timely post-judgment motion	90 days	Appellate court loses jurisdiction permanently.

Situation	Key Deadline	Consequence of Missing
Texas criminal	30 days from sentencing	No appellate jurisdiction.
Federal civil — private parties	30 days	5th Circuit loses jurisdiction.
Federal civil — U.S. government party	60 days	5th Circuit loses jurisdiction.
Texas Supreme Court petition for review	45 days	Petition untimely — review denied.
U.S. Supreme Court certiorari	90 days	Petition untimely — no SCOTUS review.

PART 5 — Post-Judgment Action Checklist

If you just received an adverse judgment, work through this list immediately.

■ Identify the exact date the judgment was signed / entered

In Texas state court, the clock runs from the date the judge SIGNS the written judgment. In federal court, it runs from the date the clerk ENTERS it on the docket. These are not always the same date.

Action: Obtain a certified copy of the judgment and note the exact date.

■ Calculate your notice of appeal deadline — today

Count 30 days (90 in Texas state civil if post-judgment motions apply; 60 in federal if the U.S. is a party). Mark it on your calendar and set multiple reminders.

Do not rely solely on your trial attorney to track this without your own independent awareness.

■ Consult an appellate attorney within 7 days of judgment

An appellate attorney needs time to evaluate the record, identify viable issues, and advise on post-judgment motions — all of which must happen before the appeal window closes.

Do not wait until day 28 to make the first call.

■ Determine whether post-judgment motions are appropriate

A timely motion for new trial (or equivalent) can extend your appeal window in Texas state court. Filing the wrong motion, or filing it late, does not toll the deadline.

This is a strategic decision requiring legal advice.

■ Order the court reporter's transcript

In both state and federal court, you must timely request the court reporter's transcript. Without it, you may not be able to raise factual issues on appeal.

■ Preserve all record materials

Do not allow any orders, exhibits, or filings to go uncollected. The appellate record is fixed — you cannot supplement it after the fact.

■ **Assess the cost and timeline realistically**

Texas appeals are not quick. A realistic timeline is 12–24 months. Brief the cost-benefit with your trial attorney and any appellate counsel you consult.

Received an adverse judgment? Time is critical.

Alex L. Davis, III handles Texas state court appeals and federal appeals before the Fifth Circuit. Contact The Law Office of Alex L. Davis, III, P.C. immediately to protect your right to appeal.

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