

Dismissed and Memorandum Opinion filed January 7, 2010.

In The
Fourteenth Court of Appeals

NO. 14-88-00375-CV

EARL MCVAY, Appellant

V.

JOE KAHLA, ET AL, Appellees

**On Appeal from the 10th District Court
Galveston County, Texas
Trial Court Cause No. 87CV0525**

MEMORANDUM OPINION

This is an appeal from a judgment signed January 7, 1988. On August 25, 1988, this court abated this appeal because appellee/cross-appellant Eugene Tompkins, petitioned for voluntary bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, under cause number 88-06216-G5-7. *See* Tex. R. App. P. 8.2.

Through the Public Access to Court Electronic Records (PACER) system, the court has learned that the bankruptcy case was closed on January 19, 2001. The parties failed to advise this court of the bankruptcy court action.

On December 3, 2009, this court issued an order stating that unless any party to the appeal filed a motion demonstrating good cause to retain the appeal within twenty days of the date of the order, this appeal would be dismissed for want of prosecution. *See* Tex. R. App. P. 42.3(b). No response was filed.

Accordingly, we reinstate the appeal and order it dismissed.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.