



**NUMBER 13-96-00637-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**SANTIAGO "JIMMY" ALANIZ,**

**Appellant,**

**v.**

**EDUARDO J. GARCIA AND FRANK S. LOPEZ,**

**Appellees.**

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**On appeal from the 156th District Court of Bee County, Texas.**

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## **MEMORANDUM OPINION**

**Before Justices Yañez, Rodriguez, and Benavides  
Memorandum Opinion Per Curiam**

This appeal was abated by this Court on December 18, 1997, due to the bankruptcy of one of the parties to this appeal. See 11 U.S.C. § 362; see *generally* TEX. R. APP. P. 8. Since the abatement there has been no activity in this appeal. On April 16, 2009, the Court ordered the parties to file an advisory regarding the status of the appeal and, if

applicable, a motion to reinstate the appeal or a motion to dismiss the appeal. The order notified the parties that failure to respond to the order would result in reinstatement and dismissal of the appeal for want of prosecution.

Appellant filed a motion to reinstate the appeal stating that it “is believed that all proceedings in said bankruptcy case have been concluded.” Appellee filed a motion to dismiss the appeal stating that all relevant documents and records have been destroyed and cannot, at this late date, be reconstructed. Appellee obtained a record indicating Appellant was discharged in bankruptcy on February 9, 1998.

This case was abated on December 18, 1997. The order abating appeal states the appeal may be reinstated on motion by any party showing that the stay has been lifted, and specifying what further action, if any, is required from the Court. Appellant took no action in this case for over eleven years after the case was abated and appellant was discharged in bankruptcy.

The Court, having considered the documents on file and appellant’s motion to reinstate appeal is of the opinion that the motion to reinstate should be DENIED and appellee’s motion to dismiss the appeal is GRANTED. We hereby dismiss the appeal for want of prosecution. See TEX. R. APP. P. 42.3(b).

PER CURIAM

Memorandum Opinion delivered and  
filed this the 18th day of June, 2009.