



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

EDDIE LERMA,	§	No. 08-12-00321-CV
	§	
Appellant,	§	Appeal from the
	§	
v.	§	120th District Court
	§	
BORDER DEMOLITION & ENVIRONMENTAL, INC.,	§	of El Paso County, Texas
a Texas Corporation,	§	(TC# 2008-4555)
	§	
Appellee.	§	
	§	

MEMORANDUM OPINION

Pending before the Court is a motion for voluntary dismissal of this mandamus action from Appellant, Eddie Lerma. The motion was held in abeyance pending confirmation of the resolution of bankruptcy proceedings. Because we have since confirmed that this matter is no longer subject to an automatic bankruptcy stay, we will grant the motion and dismiss this appeal.

On November 2, 2012, Appellant filed his notice of appeal. On December 7, 2012, this Court received a suggestion of bankruptcy and subsequently abated proceedings in accordance with the automatic bankruptcy stay. *See* TEX.R.APP.P. 8.2.

On November 1, 2021, the Clerk of the Court issued a letter stating that this Court's

previous abatement order required the parties to provide a proper motion and notification once bankruptcy proceedings had been concluded, and the Clerk requested a response be filed with this Court within 15 days. On November 3, 2021, Appellant filed a voluntary motion to dismiss contending that the matter at issue in this appeal had been settled in bankruptcy court, and on December 8, 2021, Appellant provided a copy of a release showing the matter at issue in this appeal had been fully settled.

Based on this filing, the Court on November 8, 2021, issued an order reinstating this appeal. Given that the automatic bankruptcy stay is apparently no longer in effect and the parties have resolved their dispute, we hereby grant the motion and dismiss this appeal.

YVONNE T. RODRIGUEZ, Chief Justice

December 30, 2021

Before Rodriguez, C.J., Palafox, and Alley, JJ.