

DISMISS; Opinion issued April 29, 2013



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-12-01326-CV

**GABRIEL AGUINAGA, SAN JUANA GONZALEZ-AGUINAGA, AND ALL OTHER
OCCUPANTS OF 233 LOS CABOS DRIVE, DALLAS, TEXAS 75232, Appellants**

V.

WELLS FARGO BANK, NA, Appellee

**On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-12-04400-B**

MEMORANDUM OPINION

**Before Chief Justice Wright and Justices Lang-Miers and Lewis
Opinion by Chief Justice Wright**

Before the Court is appellee's April 4, 2013 second motion to dismiss the appeal. Appellee contends the appeal should be dismissed for failure to prosecute. By order dated February 8, 2013, the Court ordered appellants to file their brief by March 8, 2013 and cautioned appellants that failure to do so will result in dismissal of their appeal. As of today's date, appellants have not filed a brief. Accordingly, we grant appellee's motion and dismiss the appeal. *See* TEX. R. APP. P. 42.3(b) & (c).

**/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE**



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

GABRIEL AGUINAGA, SAN JUANA
GONZALEZ-AGUINAGA, AND ALL
OTHER OCCUPANTS OF 233 LOS
CABOS DRIVE, DALLAS, TEXAS 75232,
Appellants

On Appeal from the County Court at Law
No. 2, Dallas County, Texas
Trial Court Cause No. CC-12-04400-B.
Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Lewis participating.

No. 05-12-01326-CV V.

WELLS FARGO BANK, NA, Appellee

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

It is **ORDERED** that appellee, WELLS FARGO BANK, NA, recover its costs of this appeal from appellants, GABRIEL AGUINAGA, SAN JUANA GONZALEZ-AGUINAGA, AND ALL OTHER OCCUPANTS OF 233 LOS CABOS DRIVE, DALLAS, TEXAS 75232.

Judgment entered April 29, 2013.

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE