

Dismissed and Opinion Filed August 26, 2015



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-13-01421-CV

AKBAR ALESHA, LLC, Appellant
V.
QUIK-WAY RETAIL ASSOCIATES II, LTD., Appellee

On Appeal from the 95th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-12-01224-D

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang-Miers and Stoddart
Opinion by Chief Justice Wright

The Court **REINSTATES** the appeal.

On January 15, 2014, the Court abated the appeal due to the filing of bankruptcy by appellant. In response to our July 23, 2015 letter inquiring about the status of the bankruptcy proceedings, counsel for appellant filed a letter stating the bankruptcy court has closed the bankruptcy case. Therefore, by letter dated July 29, 2015, we directed appellant to file, within ten days, either a motion to reinstate the appeal accompanied by a motion to dismiss the appeal or explaining why the appeal should proceed. We warned that failure to do either would result in dismissal of the appeal without further notice. *See* TEX. R. APP. P. 42.3(c). To date, appellant has not filed a motion to reinstate or to continue the appeal.

Accordingly, we dismiss the appeal.

131421F.P05

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE



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

JUDGMENT

AKBAR ALESHA, LLC, Appellant

No. 05-13-01421-CV V.

QUIK-WAY RETAIL ASSOCIATES II,
LTD., Appellee

On Appeal from the 95th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-12-01224-D.

Opinion delivered by Chief Justice Wright,
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal. Subject to any agreement between the parties, we **ORDER** that appellee Quik-Way Retail Associates II, Ltd. recover its costs of this appeal from appellant Akbar Alesha, LLC.

Judgment entered August 26, 2015.