

DISMISS and Opinion Filed September 24, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00479-CV

SHAMSI DAMAVANDI, Appellant
V.
DISCOVER BANK, Appellee

On Appeal from the County Court at Law No. 3
Collin County, Texas
Trial Court Cause No. 003-01830-2016

MEMORANDUM OPINION

Before Justices Schenck, Osborne, and Reichek
Opinion by Justice Osborne

We abated this appeal June 21, 2017 due to bankruptcy. From an independent review of the federal Public Access to Court Electronic Records (PACER) system, we learned the bankruptcy was discharged September 20, 2017. Accordingly, we reinstate this appeal.

Upon learning of the bankruptcy discharge, we informed the parties that the appeal would be dismissed for want of prosecution or for failure to respond to a Court order or notice from the Clerk of the Court unless any party gave cause as to why it should not be dismissed. *See* TEX. R. APP. P. 42.3(b),(c). On August 22, 2019, appellant filed a summary of the bankruptcy proceedings along with a copy of the order of discharge but provided no reason why the appeal should not be dismissed.

This appeal was filed May 5, 2017. It has been administratively closed for two years, although it could have been reinstated in September 2017 and prosecuted over the last twenty-three months. Having given appellant an opportunity to show cause why we should not dismiss the appeal and having received no explanation, we dismiss the appeal. *See id.* 42.3(b),(c).

/Leslie Osborne/
LESLIE OSBORNE
JUSTICE

170479F.P05



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

JUDGMENT

SHAMSI DAMAVANDI, Appellant

No. 05-17-00479-CV V.

DISCOVER BANK, Appellee

On Appeal from the County Court at Law
No. 3, Collin County, Texas

Trial Court Cause No. 003-01830-2016.

Opinion delivered by Justice Osborne,
Justices Schenck and Reichel participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee Discover Bank recover its costs, if any, of this appeal from appellant Shamsi Damavandi.

Judgment entered September 24, 2019.