

Dismiss and Opinion Filed August 5, 2021



In the
Court of Appeals
Fifth District of Texas at Dallas

No. 05-91-01905-CV

LOWELL CLEAVER, Appellant

V.

C & G PAINT & BODY SHOP, C. H. GERALD & KEN WILSON, Appellees

On Appeal from the County Court at Law No. 5

Dallas County, Texas

Trial Court Cause No. CC91-643-E

MEMORANDUM OPINION

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

We reinstate this appeal. This case was abated in 1993 due to bankruptcy. *See* TEX. R. APP. P. 8.2. The court has conducted an independent review of the federal Public Access to Court Electronic Records (PACER) system; however, nothing on that system indicates that a bankruptcy case is still pending.

On May 7, 2021, we notified the parties by letter, requesting they inform the court of the status of the bankruptcy and of this appeal. We cautioned that the failure to respond would result in the appeal being dismissed for want of prosecution. *See id.* 42.3(b), (c). To date, no party has responded.

Because we gave the parties an opportunity to show why we should not dismiss this case for want of prosecution and because no one has responded, we dismiss the appeal. *See id.* 42.3(b), (c); *see Cross v. Beutel*, No. 05-91-01700-CV, 2021 WL 1851040, at *1 (Tex. App.—Dallas May 10, 2021, no pet.) (mem. op.).

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/Cory L. Carlyle//

CORY L. CARLYLE
JUSTICE



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

JUDGMENT

LOWELL CLEAVER, Appellant

No. 05-91-01905-CV V.

C & G PAINT & BODY SHOP, C.
H. GERALD & KEN WILSON,
Appellees

On Appeal from the County Court at
Law No. 5, Dallas County, Texas
Trial Court Cause No. CC91-643-E.
Opinion delivered by Justice Carlyle.
Justices Schenck and Reichek
participating.

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

Judgment entered this 5th day of August, 2021.