

Dismissed and Memorandum Opinion filed January 7, 2010.



In The

Fourteenth Court of Appeals

NO. 14-97-01288-CV

DR. GERALD JOHNSON and LANA DAVIS, Appellants

V.

EARL and GAIL NEWSOME, Appellees

**On Appeal from the 133rd District Court
Harris County, Texas
Trial Court Cause No. 79-42525-H**

MEMORANDUM OPINION

This is an appeal from a judgment signed October 31, 1997. On December 4, 1997, this court abated this appeal because appellant, Dr. Gerald W. Johnson, petitioned for voluntary bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, under cause number 97-51245-11. *See* Tex. R. App. P. 8.2.

Through the Public Access to Court Electronic Records (PACER) system, the court has learned that the bankruptcy case was closed on December 9, 1999. The parties failed to advise this court of the bankruptcy court action.

On November 19, 2009, this court issued an order stating that unless any party to the appeal filed a motion demonstrating good cause to retain the appeal within twenty days of the date of the order, this appeal would be dismissed for want of prosecution. *See* Tex. R. App. P. 42.3(b). No response was filed.

Accordingly, we reinstate the appeal and order it dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.