



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00211-CV

Nancy L. **TANKERSLEY** and Charlie R. Tankersley,
Appellants

v.

TRIPLE I. RANCHES, A TEXAS PARTNERSHIP,
Appellee

From the 216th Judicial District Court, Gillespie County, Texas
Trial Court No. 13940
Honorable Spencer W. Brown, Judge Presiding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: May 22, 2019

DISMISSED FOR WANT OF PROSECUTION

Appellants filed a pro se notice of appeal challenging the trial court's judgment. Appellants' brief was originally due September 10, 2018, but the due date was extended after this court granted a thirty-day extension. On October 10, 2018, appellants filed a notice of bankruptcy, and this court abated the matter. *See* TEX. R. APP. P. 8.1, 8.2. On March 20, 2019, appellee filed a motion to reinstate, attaching a certified copy of the bankruptcy court's order showing the

¹ The Honorable N. Keith Williams is the presiding judge of the 216th District Court, Gillespie County, Texas. However, the judgment in this case was signed by the Honorable Spencer W. Brown, sitting by assignment.

bankruptcy had been dismissed. *See id.* R. 8.3(a). Accordingly, on March 26, 2017, we rendered an order granting appellee's motion and reinstating the appeal on the court's active docket. In that same order, we ordered appellants to file their brief in this court on or before April 25, 2019. Neither the brief nor a motion for extension of time to file the brief was filed.

On April 30, 2019, we ordered appellants to file in this court on or before May 10, 2019 their appellants' brief and a written response reasonably explaining their failure to file their brief. We advised appellants that if they failed to file their brief and written response as ordered, we would dismiss their appeal for want of prosecution. *See id.* R. 38.8(a). Appellants filed neither their brief nor their written response as ordered by this court.

We therefore order this appeal dismissed for want of prosecution. We further order that appellee, Triple I. Ranches, A Texas Partnership, recover its costs of this appeal from appellants, Nancy L. Tankersley and Charlie R. Tankersley.

PER CURIAM