

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00443-CV

Jay Sandon Cooper, Appellant

v.

**County of Travis; Austin Independent School District; City of Austin; Travis County
Healthcare District; Austin Community College District; and William B. Cochran,
Court Appointed Receiver/Trustee, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 261ST JUDICIAL DISTRICT
NO. D-1-GV-99-009504, HONORABLE JOHN K. DIETZ, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Jay Sandon Cooper has filed a motion for extension of time to file his appellate brief, informing this Court that he has filed for bankruptcy protection (United States Bankruptcy Court, E.D. Texas, case number 08-42689). Accordingly, his appeal is stayed. *See* 11 U.S.C. § 362; Tex. R. App. P. 8.2 (“A bankruptcy suspends the appeal and all periods in these rules from the date when the bankruptcy petition is filed until the appellate court reinstates or severs the appeal in accordance with federal law.”). During the bankruptcy stay, all deadlines and processes in this Court are suspended, and upon reinstatement, time lines will begin to run anew from the date of reinstatement. *See* Tex. R. App. P. 8.2. Thus, we may not and need not rule on appellant’s motion for extension of time, *see id.*; *Continental Casing Corp. v. Samedan Oil Corp.*, 751 S.W.2d 499, 501 (Tex. 1988) (state court action during bankruptcy is void), and we abate the appeal while the bankruptcy stay is in place.

Any party may file a motion to reinstate upon the occurrence of an event that would allow the appeal to proceed. *See* Tex. R. App. P. 8.3. Failure to notify this Court of a lift of the automatic stay or the conclusion of the bankruptcy proceeding will result in the dismissal of the case for want of prosecution. *See* Tex. R. App. P. 42.3(b).

David Puryear, Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Bankruptcy

Filed: November 19, 2008