

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-05-00647-CV**

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**Douglas K. Conley, Appellant**

**v.**

**Kelly L. Conley, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT  
NO. FM402639, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Douglas K. Conley filed his notice of appeal on September 30, 2005. This Court abated this appeal on October 21, 2005, after appellant notified us of his filing for bankruptcy. *See* Tex. R. App. P. 8.1, 8.2. After the abatement, no party to this appeal sought reinstatement or otherwise advised the Court of the status of the bankruptcy proceeding. *See* Tex. R. App. P. 8.3. On October 21, 2016, we were informed by the bankruptcy court that the bankruptcy case related to this appeal had closed on November 20, 2006.<sup>1</sup>

On October 27, 2016, this Court notified the parties that this appeal would be dismissed for want of prosecution unless they filed a status report providing reason to retain this appeal. *See* Tex. R. App. P. 42.3(b). Appellant responded and stated that he did not want the appeal

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<sup>1</sup> We considered this appeal as part of an ongoing review of cases that were abated for bankruptcy but did not reflect a final disposition or current status report from the parties.

to be reinstated “at this time” because there were “important unresolved issues” related to the underlying division of the marital estate.

In our 2005 abatement, we informed the parties that a failure to inform us of the termination of the bankruptcy case would be cause for dismissal of the appeal. Although appellant may still wish to pursue his appeal, the matter has been pending in abatement for ten years past the conclusion of appellant’s bankruptcy proceeding. Furthermore, appellant has stated only that he would like to leave the cause abated; he has not provided any other information about how the appeal might proceed.<sup>2</sup> We decline appellant’s request to allow the cause to remain pending indefinitely, reinstate this appeal, and dismiss it for want of prosecution.

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David Puryear, Justice

Before Justices Puryear, Pemberton, and Field

Dismissed for Want of Prosecution

Filed: December 1, 2016

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<sup>2</sup> In his response to our letter, appellant referred to “a missing transcript” and stated that a copy of the reporter’s record should have been filed, apparently attempting to answer our inquiry into the status of the reporter’s record that was sent to the parties and the court reporter on October 12, 2005.