

Dismissed and Memorandum Opinion filed January 21, 2010.



In The

Fourteenth Court of Appeals

NO. 14-08-01173-CV

JANE PLUMLEE, Appellant

V.

UNION PACIFIC RAILROAD COMPANY, Appellee

**On Appeal from the 61st District Court
Harris County, Texas
Trial Court Cause No. 2006-05783**

MEMORANDUM OPINION

This is an appeal from a judgment signed September 23, 2008. On January 7, 2010, appellee filed an unopposed motion to dismiss the appeal as moot.

The underlying suit was brought by Jane Plumlee to establish the right to use a private railroad crossing across Union Pacific's tracks. Plumlee has sold the property and no longer has an interest in the land benefited by the private crossing. Union Pacific requests the appeal be dismissed as moot and Plumlee agrees.

The motion is granted. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.