

Dismissed and Memorandum Opinion filed November 4, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00371-CV

DAVID BUREN WILSON, Appellant

V.

GERRY BIRNBERG AND JERRY EVERSOLE, Appellees

**On Appeal from the 61st District Court
Harris County, Texas
Trial Court Cause No. 2010-04491**

MEMORANDUM OPINION

This is an accelerated interlocutory appeal from an order signed on April 16, 2010 dismissing appellant, David Wilson's election contest cause of action for lack of jurisdiction. *See* Tex. Elec. Code Ann. § 221.003 (Vernon 2010) (district court's jurisdiction is limited to ascertaining whether the outcome of a contested election is not the true outcome because illegal votes were counted or because an election administrator

prevented eligible voters from voting, failed to count legal votes, or engaged in other fraudulent or illegal conduct, or simply made a mistake).

After this case was submitted, appellant filed a motion to dismiss his appeal. *See* Tex. R. App. P. 42.1. Appellant's motion is granted.

Accordingly, appellant's appeal is ordered dismissed.

/s/ John S. Anderson
Justice

Panel consists of Justices Anderson, Frost, and Brown.