

NO. 07-06-0442-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
NOVEMBER 5, 2007

DMITRY GOLOVKO, M.D.,

Appellant

v.

LONETTA WOODARD,

Appellee

FROM THE 99TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2006-534,351; HON. WILLIAM C. SOWDER, PRESIDING

Order of Dismissal Due to Settlement

Before QUINN, C.J., PIRTLE, J., and BOYD, S.J.¹

The parties to this proceeding represent that they have settled their dispute and seek the dismissal of the appeal. However, they request that the appeal be abated and remanded so that the trial court may order dismissal. Yet, despite our solicitations, neither provided us with authority illustrating that a trial court has the jurisdiction to dismiss an

¹John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. TEX. GOV'T CODE ANN. §75.002(a)(1) (Vernon Supp. 2007).

appeal. Nor did they indicate why they wanted the trial court to dismiss the appeal as opposed to this court.

Given the representation that they settled the cause and request dismissal and their failure to provide authority disclosing that a trial court may dismiss a cause pending in an appellate court, we deny the request to abate and dismiss the appeal ourselves.

Accordingly, we deny the motion to abate and dismiss the appeal due to settlement.

Per Curiam