



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00083-CV

GUY DELUNA, P.T., Appellant

V.

BILLY WELLS, Appellee

On Appeal from the 76th Judicial District Court
Camp County, Texas
Trial Court No. CV-07-582

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Appellee, Billy Wells, has filed a document entitled "Appellee's Brief," which this Court deems to be a motion to dismiss. That motion is overruled.

Attached to that document is an exhibit—a copy of a "Joint Motion for Non-Suit" signed by attorneys for both appellant and appellee—filed in the district court of Camp County.

Due to the exhibit attached to the motion, this Court sua sponte remands this case to the district court of Camp County for dismissal pursuant to agreement of the parties, or for other appropriate action. *See* TEX. R. APP. P. 42.1.

Josh R. Morriss, III
Chief Justice

Date Submitted: January 21, 2009
Date Decided: January 22, 2009