



NUMBER 13-08-00733-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

NATIONAL HERITAGE FOUNDATION, INC.,

APPELLANT,

v.

**JUAN J. MANCILLAS, M. D. AND SYLVIA MANCILLAS,
INDIVIDUALLY AND AS NEXT FRIENDS OF CARLO
LANDA MANCILLAS, AND OMAR LANDA MANCILLAS,**

APPELLEES.

**On Appeal from the 404th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Vela
Memorandum Opinion Per Curiam**

Appellant perfected an appeal from a judgment entered by the 404th District Court of Cameron County, Texas, in cause number 2005-12-6163-G. Appellant has filed an

unopposed motion for voluntary dismissal of appeal with prejudice on grounds that the parties have reached a settlement. Appellant requests that this Court dismiss the appeal.

This appeal was abated by this Court on February 12, 2009, due to the bankruptcy of one of the parties to this appeal. See 11 U.S.C. § 362; see *generally* TEX. R. APP. P. 8. The Bankruptcy Court has approved the settlement. Accordingly, this appeal is REINSTATED.

The Court, having considered the documents on file and appellant's unopposed motion for voluntary dismissal of appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant's motion to dismiss is granted, and the appeal is hereby DISMISSED WITH PREJUDICE. Costs will be taxed against appellant. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at the appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the 25th
day of February, 2010.