



**NUMBER 13-09-00322-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN THE INTEREST OF C. A. B., A CHILD**

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**On appeal from the 105th District Court of Nueces County, Texas.**

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**MEMORANDUM OPINION**

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

Appellant, Nicholas C. Newman, perfected an appeal from a judgment entered by the 105th District Court of Nueces County, Texas, in cause number 05-3155-D. Appellant has filed a notice of withdrawal of appeal on grounds that he filed a motion for new trial which was granted by the trial court. Appellant states that as a result of the granting of the motion for new trial, he withdraws his notice of appeal.

The Court, having considered the documents on file and appellant's motion to withdraw the appeal, is of the opinion that the motion should be granted. See TEX. R. APP.

P. 42.1(a). Appellant's motion to withdraw the appeal is granted, and the appeal is hereby DISMISSED. 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 appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Memorandum Opinion delivered and filed  
this the 6th day of August, 2009.