



NUMBER 13-09-00339-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

WILSON ESTES POLICE ARCHITECTS, INC., Appellant,

v.

AL CARDENAS MASONRY, INC.
AND CARDENAS MASONRY, INC., Appellees.

On Appeal from the 206th District Court
of Hidalgo County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam**

This appeal was abated by this Court on August 3, 2009, to allow the parties to file dismissal documents in the trial court and to exchange mutual settlement agreements and releases. This cause is now before the Court on appellant's unopposed motion to dismiss the appeal on grounds that the underlying lawsuit from which this appeal arises has been

dismissed with prejudice as to all parties. Appellant requests that this Court dismiss the appeal. Accordingly, this case is hereby REINSTATED.

The Court, having considered the documents on file and appellant's unopposed motion to dismiss the 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. 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 1st day of October, 2009.