



NUMBER 13-10-00028-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

DEVIN NEVILLES,

Appellant,

v.

GARY KANAK,

Appellee.

**On appeal from the 24th District Court
of Jackson County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Benavides
Memorandum Opinion Per Curiam**

Appellant perfected an appeal from a judgment entered by the 24th District Court of Jackson County, Texas, in cause number 09-4-13484. Appellant has filed an unopposed motion to dismiss the appeal on grounds the trial court signed an order granting appellee a non-suit with prejudice, rendering the present appeal moot. Appellant requests that this Court dismiss the appeal.

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

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