

NO. 12-10-00116-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*DON PAUL CARTER,
APPELLANT*

§ APPEAL FROM THE 349TH

V.

§ JUDICIAL DISTRICT COURT OF

*SUZANNE MARIE SULEWSKI,
APPELLEE*

§ HOUSTON COUNTY, TEXAS

*MEMORANDUM OPINION
PER CURIAM*

Appellant Don Paul Carter has filed an unopposed motion to dismiss this appeal. In his motion, Carter he has recently discovered that the issue he sought to appeal has not been severed by the trial court and therefore the judgment appealed from is interlocutory. Because Carter has met the requirements of Texas Rule of Appellate Procedure 42.1(a)(1), the motion is granted, and the appeal is dismissed.

Opinion delivered April 30, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)