



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. AP-77,090

RUBEN GUTIERREZ, Appellant

v.

THE STATE OF TEXAS

**ON DIRECT APPEAL FROM THE COURT'S ORDER DENYING MOTION TO
RECALL ORDER SETTING EXECUTION DATE AND WARRANT OF
EXECUTION FILED IN CAUSE NO. 98-CR-1391-A
IN THE 107TH JUDICIAL DISTRICT COURT
CAMERON COUNTY**

Per curiam.

O P I N I O N

This is a direct appeal of the trial court's order denying appellant's motion to recall the order setting an execution date and warrant of execution filed in the 107th Judicial District Court of Cameron County, Cause No. 98-CR-1391-A styled The State of Texas v. Ruben Gutierrez. Appellant has acknowledged that he cannot appeal this order and has "withdraw[n] his notice of appeal related to this matter filed in the trial court September

19, 2019.” The appeal is, therefore, dismissed.

Do not publish

Delivered: October 11, 2019