



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

JOHNNY LEE CARTER,	§	No. 08-08-00069-CV
	§	
Appellant,	§	Appeal from
	§	
v.	§	327th District Court
	§	
PARK RIDGE APARTMENTS,	§	of El Paso County, Texas
	§	
Appellee.		(TC # 2007-4770)

MEMORANDUM OPINION

Pending before the Court is Appellee's motion to dismiss this appeal as moot. On February 12, 2008, Appellant, proceeding *pro se*, filed a notice of appeal from the trial court's order denying his motion to compel production of documents. On March 26, 2008, Appellant filed a notice of non-suit in the trial court. The trial court, on April 3, 2008, entered a final summary judgment in favor of Appellee on its counterclaims against Appellant. Appellant has filed a separate notice of appeal from the final summary judgment on Appellee's counterclaims and that appeal has been docketed as cause number 08-08-00154-CV. By taking a non-suit, Appellant dismissed his claims in the trial court and rendered his attempted appeal of the interlocutory order moot. *See* TEX.R.CIV.P. 162. We grant the motion and dismiss the appeal.

July 3, 2008

Before Chew, C.J., McClure, and Carr, JJ.
Chew, C.J., not participating

ANN CRAWFORD McCLURE, Justice