

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

GABRIEL JIMENEZ,	§	No. 08-08-00108-CV
Appellant,	§	Appeal from the
v.	§	388th Judicial District Court
	§	
SYLVIA JIMENEZ,	§	of El Paso County, Texas
Appellee.	§	(TC# 2006CM7418)
	§	

MEMORANDUM OPINION

Pending before the Court is Appellant Gabriel Jimenez's motion to dismiss this appeal pursuant to TEX.R.APP.P. 42.1(a)(1). Appellant represents to the Court that this appeal was filed under the mistaken belief that the trial court's judgment contained a "judicial error," but has now concluded that the error is merely clerical and wishes to return to the trial court for the entry of a Decree of Divorce Nunc Pro Tunc, correcting the error.

The Court having considered the motion concludes that it is in compliance with Rule 42.1(a)(1) and should be granted. Accordingly, the appeal is dismissed. Costs will be taxed against Appellant. *See* TEX.R.APP.P. 42.1(d).

November 6, 2008

DAVID WELLINGTON CHEW, Chief Justice

Before Chew, C.J., McClure, and Carr, JJ.