

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

KELLY GUY HERRING,	§	No. 08-08-00195-CV
Appellant,	§	Appeal from the
v.	§	109th District Court
LPP MORTGAGE, LTD.,	§	of Andrews County, Texas
Appellee.	§	(TC#17,340)
	§	

MEMORANDUM OPINION

Pending before the Court is Appellant's motion to dismiss the appeal pursuant to TEX.R.APP.P. 42.1(a)(1). Appellant has complied with the requirements of TEX.R.APP.P. 42.1(a)(1). Having considered the motion, we conclude it should be granted, because no party will be denied relief to which it would otherwise be entitled. Therefore, we grant Appellant's motion to dismiss and do so with prejudice. In accordance with the parties' agreement, costs are taxed against the party incurring same. *See* TEX.R.APP.P. 42.1(d).

GUADALUPE RIVERA, Justice

March 19, 2009

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