



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

PROGRESSIVE RESOURCES, INC.,	§	No. 08-17-00121-CV
SANDOVAL CAPITAL, INC., AND	§	
EL PASO SANDY	§	Appeal from the
TRANSPORTATION, L.L.C.,	§	448th District Court
Appellants	§	of El Paso County, Texas
V.	§	(TC# 2017DCV0741)
LUIS CARLOS SANDOVAL,	§	
Appellee.	§	

MEMORANDUM OPINION

Appellee, Luis Carlos Sandoval has filed an unopposed motion to vacate the temporary injunction entered by the trial court and remand to the trial court for further proceedings. Appellants, Progressive Resources, Inc., Sandoval Capital, Inc., and El Paso Sandy Transportation, L.L.C., are unopposed to the motion. The record before us reflects that the trial court, acting *sua sponte*, signed a temporary injunction order on May 9, 2017 in cause number 2017DCV0741, and Appellants filed a notice of interlocutory appeal. Appellants have filed their brief. Rather than file a brief conceding error, Sandoval filed a motion requesting that the Court vacate the temporary injunction because it “seems to be defective.” Appellants are not opposed to the motion. We have construed the motion as requesting that the court set aside the interlocutory order without regard to the merits pursuant to TEX.R.APP.P. 42.1(a)(2)(B). The motion is granted. Accordingly, we

vacate the temporary injunction without regard to the merits and remand the cause to the trial court for further proceedings. Costs of the appeal are assessed against the party incurring same.

July 7, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.