



In The

Eleventh Court of Appeals

No. 11-12-00314-CV

PROSPECTA ENERGY GROUP, INC., Appellant

V.

RAY PRICHARD D/B/A RAYDER OILFIELD SERVICES, INC., Appellee

On Appeal from the 42nd District Court

Coleman County, Texas

Trial Court Cause No. 5347

MEMORANDUM OPINION

Prospecta Energy Group, Inc. is the appellant in this appeal. It has filed an unopposed motion to dismiss the appeal pursuant to TEX. R. APP. P. 42.1(a)(1). In the motion, Appellant states that the parties have “settled and resolved all differences between one another arising out of the judgment rendered in the trial court.” Appellant asks this court to dismiss the appeal. Therefore, in accordance with Appellant’s request, we dismiss the appeal.

Appellant additionally asks this court to affirm the appealed judgment of the trial court in addition to dismissing the appeal. We are unable to grant this relief. Rule 42.1(a)(1) authorizes

the court as follows: “In accordance with a motion of appellant, the court may dismiss the appeal **or** affirm the appealed judgment” (emphasis added). *See* TEX. R. APP. P. 43.2(a), (e), (f) (also containing disjunctive language in discussing the types of judgments that courts of appeals may issue).

The motion to dismiss is granted in part, and the appeal is dismissed.

PER CURIAM

February 28, 2013

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.