

Opinion filed April 8, 2021



In The
Eleventh Court of Appeals

No. 11-21-00011-CV

BENNIE JONES, Appellant

V.

CECIL SALAZAR, Appellee

**On Appeal from the 35th District Court
Brown County, Texas
Trial Court Cause No. CV1701025**

MEMORANDUM OPINION

Appellant, Bennie Jones, has filed in this court a motion to dismiss his appeal. In the motion, Appellant states that the parties to this appeal have settled and compromised all of the claims at issue in this appeal, and Appellant requests that this court dismiss the appeal. In accordance with Appellant's request, we dismiss this appeal. *See* TEX. R. APP. P. 42.1.

We note that Appellant has requested that the costs of this appeal be taxed against the party that incurred them. “Absent agreement of the parties,” however, costs in a civil case involving a voluntary dismissal shall be taxed against the appellant. TEX. R. APP. P. 42.1(d). Appellant’s motion contains neither a certificate of conference nor an indication of an agreement with respect to the assessment of costs. Therefore, costs of this appeal are taxed against Appellant.

Appellant’s motion to dismiss is granted, and the appeal is dismissed.

PER CURIAM

April 8, 2021

Panel consists of: Bailey, C.J.,
Trotter, J., and Williams, J.