

DISMISS; and Opinion Filed July 30, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00622-CV

HERMAN BRASHEAR, Appellant

V.

D. VINEYARDS, L.P. D/B/A THE VINEYARDS APARTMENTS, Appellee

**On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-13-02418-E**

MEMORANDUM OPINION

**Before Justices Moseley, Bridges, and Lang-Miers
Opinion by Justice Lang-Miers**

Before the Court is appellant's motion for nonsuit. Appellant has informed the Court that he no longer desires to prosecute this matter. We treat appellant's motion as a motion to dismiss. We grant appellant's motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1).

**/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE**



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

HERMAN BRASHEAR, Appellant

No. 05-13-00622-CV V.

D. VINEYARDS, L.P. D/B/A THE
VINEYARDS APARTMENTS, Appellee

On Appeal from the County Court at Law
No. 5, Dallas County, Texas.

Trial Court Cause No. CC-13-02418-E.

Opinion delivered by Justice Lang-Miers.

Justices Moseley and Bridges, participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee, D. VINEYARDS, L.P. D/B/A THE VINEYARDS APARTMENTS, recover its costs of this appeal from appellant, HERMAN BRASHEAR.

Judgment entered this 30th day of July, 2013.

/Elizabeth Lang-Miers/

ELIZABETH LANG-MIERS

JUSTICE