



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

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**No. 05-17-00117-CV**

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**TEXAS ALCOHOLIC BEVERAGE COMMISSION, Appellant  
V.  
NEW MILLENNIUM RESTAURANT GROUP INC. D/B/A SPORTS CITY CAFE,  
Appellee**

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**On Appeal from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-16-16507**

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**MEMORANDUM OPINION**

Before Justices Fillmore, Whitehill, and Boatright  
Opinion by Justice Whitehill

Before the Court is appellant's June 13, 2017 unopposed motion to dismiss appeal. Appellant seeks voluntary dismissal of the appeal, stating that due to recent legislative changes, the Commission no longer wishes to pursue the appeal. Accordingly, we grant appellant's motion and dismiss this appeal. *See* TEX. R. APP. P. 42.1(a)(1).

/Bill Whitehill/  
BILL WHITEHILL  
JUSTICE

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

**JUDGMENT**

TEXAS ALCOHOLIC BEVERAGE  
COMMISSION, Appellant

No. 05-17-00117-CV      V.

NEW MILLENNIUM RESTAURANT  
GROUP INC. D/B/A SPORTS CITY CAFE,  
Appellee

On Appeal from the 68th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DC-16-16507.  
Opinion delivered by Justice Whitehill.  
Justices Fillmore and Boatright participating.

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

It is **ORDERED** that appellee New Millennium Restaurant Group Inc. d/b/a Sports City Cafe recover its costs, if any, of this appeal from appellant Texas Alcoholic Beverage Commission.

Judgment entered June 16, 2017.