

DISMISS and Opinion Filed December 28, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-01284-CV

KENNETH LEO BUHOLTZ, Appellant

V.

**TEXAS DEPARTMENT OF TRANSPORTATION AND
HALFF ASSOCIATES, INC., Appellees**

**On Appeal from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause No. 006-02337-2018**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

Before the Court is appellant's December 18, 2018 motion to withdraw appeal and/or hold in abeyance filed in response to this Court's letter questioning our jurisdiction over this appeal. Appellant acknowledges in his motion that the appealed order is not final because it disposes only of his claims against the Texas Department of Transportation. Appellant's claims against Halff Associates, Inc. remain pending. For this reason, this Court lacks jurisdiction. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Accordingly, we grant appellant's motion, deny appellant's pending motion for recorder's record in companion case as moot, and dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

KENNETH LEO BUHOLTZ, Appellant

No. 05-18-01284-CV V.

TEXAS DEPARTMENT OF
TRANSPORTATION AND HALFF
ASSOCIATES, INC., Appellees

On Appeal from the County Court at Law

No. 6, Collin County, Texas

Trial Court Cause No. 006-02337-2018.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

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

Judgment entered December 28, 2018