

Opinion issued February 3, 2011



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-10-00851-CV

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**JOSEPH P. GARBO, Appellant**

**V.**

**KRISTINE L. GARBO, Appellee**

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**On Appeal from the 311th District Court  
Harris County, Texas  
Trial Court Cause No. 2009-26793**

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**MEMORANDUM OPINION**

On October 22, 2010, the parties filed an agreement, under Texas Rule of Appellate Procedure 6.6, stating that appellant, Joseph P. Garbo, would file, on or before October 25, 2010, a motion to dismiss the above-referenced appeal,

pursuant to Rule of Appellate Procedure 42.1(a)(1). *See* TEX. R. APP. P. 6.6, 42.1(a)(1). On October 25, 2010, appellant filed a “Notice of Termination of Appeal,” in which he stated that he “terminates the appeal to the Fourteenth [sic] Court of Appeals in Houston, Texas.” We construe appellant’s notice as a motion to dismiss the above-referenced appeal.

No opinion has issued. Accordingly, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1).

We dismiss all other pending motions as moot. We direct the Clerk to issue the mandate within 10 days of the date of this opinion. *See* TEX. R. APP. P. 18.1.

**PER CURIAM**

Panel consists of Justices Jennings, Higley, and Brown.