

Opinion issued July 28, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-01061-CV

CURTAIN WALL DESIGN & CONSULTING, INC., Appellant
V.
FSP PHOENIX TOWER LIMITED PARTNERSHIP, Appellee

On Appeal from the 151st District Court
Harris County, Texas
Trial Court Cause No. 2010-55533

MEMORANDUM OPINION

On December 1, 2010, appellant, Curtain Wall Design & Consulting, Inc. filed a notice of appeal complaining of the trial court's order denying its motion to dismiss for lack of a certificate of merit.

On March 16, 2011, the Clerk of this Court received a letter from appellant's counsel informing the Court that the appellee had dismissed with prejudice all claims against the appellant and that the matter was closed. Because appellant did not provide this court with a motion to dismiss, the Clerk of the Court issued a notice to the parties instructing the appellant to provide this Court with an appealable order or the appeal would be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant's response reiterated the earlier assertion that all claims between the parties were dismissed with prejudice, and that the matter on appeal was closed. Appellant has not provided this Court with an appealable order, which is essential to invoke this Court's jurisdiction. *See* TEX. R. APP. P. 25.1(b).

We must dismiss this appeal for want of jurisdiction.

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, Bland, and Massengale.