

Opinion issued March 31, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00044-CV

IN RE H.B., T.B., AND C.B.

On Appeal from the 313th District Court
Harris County, Texas
Trial Court Cause No. 2010-01752J

MEMORANDUM OPINION

Appellee, the Department of Family & Protective Services (“DFPS”), has filed a motion to dismiss the appeal brought by appellant, Sherri Tomlinson. DFPS notes that the appeal is moot as the trial court has granted Tomlinson a new trial

from the judgment terminating her parental rights to her three minor children. DFPS asserts that the trial court's order provides Tomlinson with "her full and complete relief." Tomlinson has filed a letter with this Court stating that she does not object to DFPS's motion to dismiss. Counsel has also advised this Court that she considers the motion to dismiss to be an agreed motion. Thus, we treat DFPS's motion to dismiss as an agreed motion. TEX. R. APP. P. 42.1(a)(2). No opinion has issued.

Accordingly, we grant the motion and dismiss the appeal. *See id.*¹

PER CURIAM

Panel consists of Justices Jennings, Higley, and Brown.

¹ We do not have a clerk's record on file. However, in its motion to dismiss, DFPS attaches a copy of the trial court's order granting Tomlinson's new-trial motion. In the trial court's order, the trial court notes that Tomlinson erroneously identified the trial court cause number as 2010-05720J, when in fact the correct trial court cause number is 2010-01752J. DFPS also notes this error, and does not raise any objections.