

Opinion issued June 23, 2016



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

---

NO. 01-16-00287-CV

---

**DOV K. AVNI A/K/A DOV AVNI KAMINETZKY, Appellant**  
**V.**  
**DAVID ALAN NEWMAN, Appellee**

---

---

**On Appeal from the 333rd District Court**  
**Harris County, Texas**  
**Trial Court Cause No. 2010-22875**

---

---

**MEMORANDUM OPINION**

Appellant, Dov K. Avni a/k/a Dov Avni Kaminetzky, proceeding *pro se*, has filed an “Unopposed Motion to Withdraw His 1st Amended Notice of Appeal” of the sanctions order, signed by the trial court on March 16, 2016, because he states that he no longer wants to prosecute this appeal and instead will file a bill of review

to challenge that order. We construe appellant's motion, which contains a certificate of conference stating that appellee's counsel is not opposed to this motion, as an unopposed motion to dismiss this appeal. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a)(2), 42.1(a)(1). No other party has filed a notice of appeal and no opinion has issued. *See* TEX. R. APP. P. 42.1(a)(1), (c).

Accordingly, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1), 43.2(f). We dismiss any other pending motions as moot.

**PER CURIAM**

Panel consists of Justices Higley, Bland, and Massengale.