

Opinion issued October 12, 2017



In The
Court of Appeals
For The
First District of Texas

NO. 01-17-00692-CV

DONNIE H. MCGRAW, INDIVIDUALLY, Appellant
V.
CAPCOR ELDRIDGE, LLC, Appellee

On Appeal from the 215th District Court
Harris County, Texas
Trial Court Cause No. 2016-26273

MEMORANDUM OPINION

Appellant, Donnie H. McGraw, Individually, has filed a motion to dismiss this appeal, stating that he no longer wishes to pursue this appeal. *See* TEX. R. APP. P. 42.1(a)(1). Although there is no certificate of conference with the motion, it contains a certificate of service on counsel for the appellee, has been on file with the

Court for more than 10 days, and no party has responded to the motion. *See id.* 10.1(a)(5), 10.3(a)(2). No other party has filed a notice of appeal and no opinion has issued. *See id.* 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, Massengale, and Lloyd.