

Opinion issued August 31, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00651-CV

GAIL THOMAS WHITCOMB, Appellant
V.
JERIANN WHITCOMB KOLBER, Appellee

On Appeal from the Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 380338

MEMORANDUM OPINION

Appellant, Gail Thomas Whitcomb, filed a motion to dismiss this appeal, stating that he no longer desires to pursue this appeal. *See* TEX. R. APP. P. 42.1(a)(1). Although appellant's motion does not contain a certificate of conference and ten days has not yet passed, we conclude that good cause exists to suspend the normal

operation of Rules 10.1 and 10.3 and construe appellant's motion as unopposed. *See* TEX. R. APP. P. 2, 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 appellant's motion and dismiss this appeal. *See* TEX. R. APP. P. 42.3(a), 43.2(f).

PER CURIAM

Panel consists of Justices Keyes, Bland, and Lloyd.