

Opinion issued October 21, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00359-CV

WENDY DUONG, Appellant

V.

**THE LAKES AT COUNTRYPLACE COMMUNITY ASSOCIATION, INC.,
Appellee**

**On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Case No. 98150-CV**

MEMORANDUM OPINION

Appellant, Wendy Duong, appearing pro se, filed a notice of appeal from two orders signed by the trial court, including a “February 8, 2021” order approving the attorneys’ fees requested by appellee, The Lakes at Countryplace Community Association, Inc., and a March 31, 2021 amended order approving the attorneys’

fees requested by appellee. On August 5, 2021, appellant filed a letter with the Court requesting “to withdraw [her] Notice of Appeal in this cause, effective immediately.” We construe appellant’s letter as a motion to dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1).

Appellant’s motion does not include a certificate of conference stating that she conferred or made a reasonable effort to confer with appellee regarding the relief requested in the motion. *See* TEX. R. APP. P. 10.1(a)(5). However, more than ten days have passed, and no party has expressed opposition to appellant’s motion. *See* TEX. R. APP. P. 10.3(a). 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 the appeal. *See* TEX. R. APP. P. 42.1(a)(1); 43.2(f). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Rivas-Molloy and Guerra.