

Opinion issued May 9, 2024



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

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NO. 01-24-00064-CV

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**JULIANA L. LOPEZ, Appellant**  
V.  
**PHARIA, L.L.C., Appellee**

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**On Appeal from the County Civil Court at Law No. 3  
Harris County, Texas  
Trial Court Case No. 926080**

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**MEMORANDUM OPINION**

Appellant, Juliana L. Lopez, filed a notice of appeal from the trial court's August 5, 2009 "Order of Nonsuit Without Prejudice."<sup>1</sup> On March 13, 2024,

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<sup>1</sup> On February 8, 2024, the Clerk of this Court notified appellant that her notice of appeal, filed on January 23, 2024, may not have been timely filed to appeal the trial court's August 5, 2009 "Order of Nonsuit Without Prejudice." Appellant was

appellant filed a motion to dismiss her appeal, stating that she wished “to withdraw [her] appeal” and requesting that the Court grant her motion.

No other party has filed a notice of appeal, and no opinion has issued. *See* TEX. R. APP. P. 42.1(a)(1), (c). Appellant’s motion does not include a certificate of conference stating that appellant conferred, or made a reasonable attempt 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)(2).

Accordingly, the Court grants appellant’s motion and dismisses the appeal.<sup>2</sup> *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 Landau, Countiss, and Guerra.

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directed to file a response to the notice demonstrating that the Court had jurisdiction over her appeal. Appellant did not file a response, but instead filed a motion to dismiss her appeal.

<sup>2</sup> To the extent that appellant’s motion includes a request to transfer the record from this appeal, appellate cause number 01-24-00064-CV, to another pending appeal, appellate cause number 01-24-00047-CV, that request is dismissed as moot.