

Dismissed and Memorandum Opinion filed July 29, 2010.



In The

**Fourteenth Court of Appeals**

---

NO. 14-10-00319-CV

---

UVALDO JOHN OLIVARES, Appellant

V.

BECK READY MIX CONCRETE COMPANY, LTD., Appellee

---

---

On Appeal from the 288th District Court  
Bexar County, Texas  
Trial Court Cause No. 2008-CI-21410

---

---

**MEMORANDUM OPINION**

This is a restricted appeal from a default judgment signed October 23, 2009. The clerk's record was filed May 17, 2010. Appellant's brief was due June 16, 2010, but it was not filed.

On July 8, 2010, this court issued an order stating that unless appellant submitted his brief, together with a motion reasonably explaining why the brief was late, on or before July 30, 2010, the court would dismiss the appeal for want of prosecution. *See Tex. R.*

App. P. 42.3(b). On July 16, 2010, appellant notified this court that the underlying case has been resolved and there is no need to proceed with the appeal. We construe appellant's letter as a request to dismiss the appeal. *See* Tex. R. App. P. 42.1. The request is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.