

Motion Granted; Appeal Dismissed and Memorandum Opinion filed December 16, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-01019-CV

CITY OF HOUSTON, Appellant

V.

JAMES AND ELIZABETH CARLSON, ET. AL., Appellees

**On Appeal from the 152nd District Court
Harris County, Texas
Trial Court Cause No. 2008-57899**

MEMORANDUM OPINION

This is an appeal from a judgment signed September 17, 2010. On December 10, 2010, appellant filed a motion to dismiss the appeal because the trial court granted a new trial. *See* Tex. R. App. P. 42.1. The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Seymore, Boyce, and Christopher.