

**Motion Granted; Appeal Dismissed and Memorandum Opinion filed March 3, 2011.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-11-00043-CV**

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**DAVID JENKINS, Appellant**

**V.**

**CITY OF HOUSTON, Appellee**

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**On Appeal from the 152nd District Court  
Harris County, Texas  
Trial Court Cause No. 2009-13235**

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**MEMORANDUM OPINION**

This is an appeal from a summary judgment signed December 17, 2010. On January 6, 2011, appellant, David Jenkins, filed a motion for new trial. The trial court granted Jenkins's motion for new trial on January 24, 2011. The trial court again granted a summary judgment in favor of appellee, the City of Houston, but the court denied the City's plea to the jurisdiction. The City filed a notice of appeal from the denial of its plea to the jurisdiction. Its appeal is pending under this court's appellate number 14-11-00091-CV.

On February 22, 2011, Jenkins filed an unopposed motion to dismiss his appeal. *See* Tex. R. App. P. 42.1. He requested that the court retain the City's appeal pending under 14-11-00091-CV. The motion is granted.

Accordingly, Jenkins's appeal is ordered dismissed. The City's appeal remains pending under our number 14-11-00091-CV.

PER CURIAM

Panel consists of Justices Anderson, Seymore, and McCally.