

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00296-CV

Omar Salazar **MENDOZA** and Juan Alfonso Escobedo, Individually and as Next Friends of
Juan De Dios Escobedo, a Minor, and Miguel Angel Escobedo, a Minor,
Appellants

v.

Enrique Mejia **MONTIEL**, Roland Aguilar, and Armada's Rebar & Concrete Company,
Appellees

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2008-CI-05435
Honorable Gloria Saldana, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: November 26, 2008

DISMISSED

Appellants have filed a "Notice of Nonsuit," stating that the appeal is now moot. Thus, they request that we dismiss their appeal. We construe appellants' notice of nonsuit as a motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1. Appellees have not opposed the motion. Therefore, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a). Costs of appeal are taxed against appellants. *See id.* 42.1(d).

PER CURIAM

