

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



MEMORANDUM OPINION

No. 04-12-00596-CV

David **RODRIGUEZ**,
Appellant

v.

THE MALAISE LAW FIRM, Individually, Stephen Cennamo, Individually and as Employee
of The Malaise Law Firm, and John Amos Longoria, Sr., Individually,
Appellees

From the 408th Judicial District Court, Bexar County, Texas
Trial Court No. 2012-CI-11758
Honorable Victor Hugo Negron Jr., Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 31, 2012

DISMISSED

Pro se appellant David Rodriguez filed a notice of appeal and an affidavit of indigence with this court. On September 28, 2012, we abated this appeal to the trial court to allow a contest to appellant's affidavit of indigence. See TEX. R. APP. P. 20.1; *Higgins v. Randall Cnty. Sheriff's Office*, 257 S.W.3d 684, 688 (Tex. 2008). On October 19, 2012, appellant filed a motion to dismiss the appeal; the motion included a certificate of service on appellees. To date, appellees have not filed any objection to appellant's motion.

Therefore, we withdraw our September 28, 2012 order abating this appeal. We reinstate this appeal on this court's docket, grant appellant's motion, and dismiss this appeal. *See* TEX. R. APP. P. 42.1(a)(1). Costs of this appeal are taxed against appellant. *See id.* R. 42.1(d).

PER CURIAM