



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00531-CV

Yvonne **OCANAS**,
Appellant & Cross-Appellee

v.

Jose J. **OCANAS**,
Appellee & Cross-Appellant

From the 45th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-CI-18248
Honorable David A. Canales, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: October 26, 2016

CROSS-APPELLANT’S MOTION TO DISMISS GRANTED; CROSS-APPEAL DISMISSED

Appellant Yvonne Ocanas timely filed a notice of appeal on September 6, 2016. Thereafter, appellee Jose J. Ocanas timely filed his notice of appeal, making him a cross-appellant in this matter. On October 13, 2016, cross-appellant Jose J. Ocanas filed a document entitled “Notice of Nonsuit of Cross Appeal.” In that document, he states he “no longer wishes to pursue a cross-appeal against Yvonne Ocanas.” We interpret this document as a motion to dismiss the cross-appeal.

After reviewing the motion, we grant cross-appellant Jose J. Ocanas's motion to dismiss his cross-appeal. *See* TEX. R. APP. P. 42.1(a)(1). We order all costs incurred as a result of the cross-appeal to be assessed against cross-appellant Jose J. Ocanas. *See id.* R. 42.1(d) (absent agreement of parties, costs are taxed against appellant). The appeal filed by appellant Yvonne Ocanas remains pending in this court.

PER CURIAM