



## Fourth Court of Appeals San Antonio, Texas

### MEMORANDUM OPINION

No. 04-18-00928-CV

Jimmy ADOCK,  
Appellant

v.

**FIVE STAR RENTALS/SALES INC.,**  
Appellee

From the 198th Judicial District Court, Kerr County, Texas  
Trial Court No. 16480B  
Honorable M. Rex Emerson, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Beth Watkins, Justice  
Liza A. Rodriguez, Justice

Delivered and Filed: February 6, 2019

### MOTION TO DISMISS GRANTED; APPEAL DISMISSED

Appellant Jimmy Adock appeals an order granting summary judgment in favor of appellee Five Star Rentals/Sales, Inc. During the appeal, appellant filed a letter, stating the parties are settling. As a result, we ordered the appeal abated and ordered the parties to file either a status update regarding the settlement, or in the alternative, a dispositive motion.

On January 11, 2019, appellant filed a "Motion for Non-Suit," stating he "no longer desires to prosecute this action against Appellee." He then amended his motion and filed a "Joint Motion to Dismiss Appeal with Prejudice," requesting this court to dismiss the case.

Accordingly, we order the abatement lifted and reinstate the appeal on this court's docket. We further grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(2). We order all costs to be borne by appellant. *See id.* R. 42.1(d) (absent agreement of parties, costs are taxed against appellant).

PER CURIAM