

**In The**

***Court of Appeals***

***Ninth District of Texas at Beaumont***

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**NO. 09-08-319 CV**

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**BAYOU FLEET SERVICE, INC., Appellant**

**V.**

**DEREK MYERS, Appellee**

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**On Appeal from the 136th District Court  
Jefferson County, Texas  
Trial Cause No. D-177,961**

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**MEMORANDUM OPINION**

The appellant, Bayou Fleet Service, Inc., filed a motion to dismiss this appeal. The motion is voluntarily made by the appellant prior to any decision of this Court and should be granted. *See* TEX. R. APP. P. 42.1(a)(1). No other party filed notice of appeal. The motion to dismiss is granted and the appeal is dismissed.

APPEAL DISMISSED.

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**STEVE McKEITHEN**  
Chief Justice

Opinion Delivered July 31, 2008  
Before McKeithen, C.J., Gaultney and Kreger, JJ.