

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-320 CV

EUGENE L. HEIMAN, Appellant

V.

SAMMY KING, Appellee

**On Appeal from the 359th District Court
Montgomery County, Texas
Trial Cause No. 05-09-08571 CV**

MEMORANDUM OPINION

The appellant, Eugene L. Heiman, and the appellee, Sammy King, filed a joint motion to dismiss this appeal. The motion is voluntarily made by the parties prior to any decision of this Court and should be granted. *See* TEX. R. APP. P. 42.1(a)(2). No other party filed notice of appeal. The motion to dismiss is granted and the appeal is dismissed.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered October 2, 2008
Before McKeithen, C.J., Kreger and Horton, JJ.