

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00348-CV

**LEVEL 3 COMMUNICATIONS, LLC AND BROADWING
COMMUNICATIONS, LLC, Appellants**

V.

DIGCO UTILITY CONSTRUCTION L.P., Appellee

**On Appeal from the 457th District Court
Montgomery County, Texas
Trial Cause No. 21-01-00716-CV**

MEMORANDUM OPINION

Level 3 Communications, LLC and Broadwing Communications, LLC, Appellants, filed an unopposed motion to dismiss this appeal without prejudice. *See* Tex. R. App. P. 42.1(a)(1). Appellants filed the motion before the appellate court issued a decision in the appeal. We grant the motion and dismiss the appeal without reference to the merits of the appeal. *See* Tex. R. App. P. 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on February 1, 2023
Opinion Delivered February 2, 2023

Before Golemon, C.J., Johnson and Wright, JJ.