

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-22-00427-CV**

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**MARK ALAN FINKENBINER, Appellant**

**V.**

**DWIGHT BIRDWELL, Appellee**

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**On Appeal from the County Court  
Hardin County, Texas  
Trial Cause No. 7745**

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**MEMORANDUM OPINION**

Mark Alan Finkenbiner, Appellant, and Dwight Birdwell, Appellee, jointly filed a motion to dismiss this appeal. *See* Tex. R. App. P. 42.1(a). The parties to the appeal filed the motion before the appellate court issued a decision in the appeal. We grant the motion and dismiss the appeal. *See id.* 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on June 7, 2023  
Opinion Delivered June 8, 2023

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