

NO. 07-02-0508-CV

IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL D

APRIL 6, 2005

COVENANT HOSPITAL PLAINVIEW
FKA METHODIST HOSPITAL PLAINVIEW,

Appellant

v.

BRIAN CARTY,

Appellee

FROM THE 242nd DISTRICT COURT OF HALE COUNTY;
NO. B31197-0011; HON. EDWARD B. NOBLES, PRESIDING

On Motion to Dismiss

Before QUINN, REAVIS and CAMPBELL, JJ.

The appellant, Covenant Hospital Plainview, fka Methodist Hospital Plainview, has moved the court, via letter sent by its counsel of record, to dismiss this appeal because the debts of Brian Carty, appellee, were discharged in bankruptcy. Thus, the hospital allegedly cannot further prosecute its claim against him. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)

and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn
Justice