

NO. 07-04-0288-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
SEPTEMBER 20, 2004

FORTY ONE THOUSAND SIX HUNDRED THIRTY DOLLARS
(\$41,630.00), APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 181ST DISTRICT COURT OF POTTER COUNTY;
NO. 91,479-B; HONORABLE JOHN B. BOARD, JUDGE

Before QUINN and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Pending before this Court is claimant Gilberto Lamas's¹ motion by which he requests that his notice of appeal be withdrawn. See Tex. R. App. P. 42.1(a)(1). By the certificate of conference he indicates that he and the State have agreed to dismiss this appeal.

Without passing on the merits of the case, we grant the motion and dismiss the appeal. No motion for rehearing will be entertained and our mandate will issue forthwith.

Don H. Reavis
Justice

¹This appeal resulted from a summary judgment in favor of the State of Texas in its action for seizure and forfeiture of contraband in the sum of \$41,630 from claimant Gilberto Lamas.