

NO. 07-10-0056-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
MARCH 30, 2010

JOE MARKHAM, APPELLANT

VS.

AQUENT, L.L.C., APPELLEE

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 97,206-E; HONORABLE DOUGLAS R. WOODBURN, JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Pending before this Court is *Appellant's First Amended Motion to Dismiss for Mootness* filed on behalf of Appellant, Joe Markham. By this motion Appellant contends that this accelerated appeal of the order denying his special appearance in the trial court below should be dismissed because Appellee, Aquent, L.L.C., has non-suited all claims against him in that proceeding. Without passing on the merits of the case, the motion is

granted and the appeal is hereby dismissed. See Tex. R. App. P. 42.1(a)(1). Having dismissed the appeal at Appellant's request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Appellant requests this Court to grant him judgment for costs. Absent agreement of the parties, in dismissing an appeal, an appellate court must tax costs against the appellant. See Tex. R. App. P. 42.1(d).

Patrick A. Pirtle
Justice