



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00169-CR

EX PARTE ADOUN PHOMMIVONG

On Appeal from the 251st District Court
Potter County, Texas
Trial Court No. 64,888-C; Honorable Ana Estevez, Presiding

March 10, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant, Adoun Phommivong, appeals the trial court's denial of his application for writ of habeas corpus filed under Article 11.072 of the Texas Code of Criminal Procedure. Now pending before this court is *Appellant's Motion to Dismiss Appeal*. We grant the motion.

We previously abated this appeal and remanded the cause to the trial court to determine, among other things, whether Appellant still desired to prosecute his appeal. At the hearing held on February 3, 2017, Appellant informed the trial court that he did not want to continue his appeal and presented *Appellant's Motion to Dismiss Appeal* to

the trial court for filing with this court. The motion to dismiss was included in the supplemental clerk's record filed on February 24, 2017. Accordingly, we deem Appellant's motion to dismiss as having been filed with this court. See TEX. R. APP. P. 2; 9.2(a), (c).

As required by Rule 42.2(a) of the Texas Rules of Appellate Procedure, the motion is signed by Appellant and his attorney. No decision of this court having been delivered, the motion is granted and the appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam

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