



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

No. 07-21-00054-CV

EVAN MILLER, APPELLANT

V.

KIM HOOKER, APPELLEE

On Appeal from the 64th District Court
Hale County, Texas
Trial Court No. A43606-2012; Honorable Danah L. Zirpoli, Presiding

May 28, 2021

MEMORANDUM OPINION

Before **PIRTLE** and **PARKER** and **DOSS, JJ.**

Appellant, Evan Miller, appeals from the trial court's *Order Granting 91a Dismissal of Suit with Prejudice and Payment of Attorney's Fees*. Now pending before this court is Miller's motion seeking voluntary dismissal of his appeal. The court finds the motion complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent any party from seeking relief to which it would

otherwise be entitled.¹ As no decision of the court has been delivered to date, we grant the motion. The appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam

¹ On May 18, 2021, Miller filed a letter with this court titled “Notice of Withdrawal of Appeal,” indicating his desire to dismiss this appeal. By letter of May 24, 2021, we notified Miller that we construed his letter as a motion requesting voluntary dismissal and would act on the motion unless he requested otherwise by June 3, 2021. On May 25, 2021, Miller filed a second notice requesting that we dismiss the appeal.