



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-12-00122-CV

CITY OF BELLMEAD,

Appellant

v.

DEVIN KLUK,

Appellee

\_\_\_\_\_  
From the 170th District Court  
McLennan County, Texas  
Trial Court No. 2011-5034-4

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MEMORANDUM OPINION

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The parties have filed a "Joint Motion to Dismiss Appeal," stating that Appellee has nonsuited his claims against Appellant and asking us to dismiss the appeal because there is no longer a matter to prosecute or appeal and to tax costs against the party incurring the cost. *See* TEX. R. APP. P. 42.1(a)(2). The motion to dismiss is granted, and the appeal is dismissed. In accordance with the agreement of the parties, costs are taxed against the party incurring same. *See* TEX. R. APP. P. 42.1(d).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Motion granted; appeal dismissed  
Opinion delivered and filed May 23, 2012  
[CV06]