



**IN THE
TENTH COURT OF APPEALS**

No. 10-16-00289-CV

IN THE INTEREST OF A.J.G., A CHILD

**From the 74th District Court
McLennan County, Texas
Trial Court No. 2015-2559-3**

MEMORANDUM OPINION

On September 6, 2016, appellant, J.G., filed her notice of appeal in this matter. Subsequently, on September 14, 2016, we abated and remanded this proceeding to the trial court for a hearing to determine a number of things, including whether appellate counsel is eligible to practice law in the State of Texas.¹ On September 20, 2016, appellate counsel filed in this Court a “Motion to Withdraw Documents,” wherein counsel noted that “[t]his appeal was mistakenly appealed to the 10th Court of Appeals. Appellant [sic] intended this to be appealed to the 74th Judicial District Court of McLennan County,

¹ A review of the State Bar of Texas’s website reveals that appellate counsel has rectified the administrative issue he had with the State Bar and, thus, is eligible to practice law in the State of Texas.

Texas.” Counsel also requested that this Court “grant the Motion to Withdraw Documents, and for this Court to withdraw the Notice of Appeal.”

At the outset, we note that this Court does not withdraw documents filed by parties. However, after review, we construe appellant’s motion to be a motion to dismiss. *See* TEX. R. APP. P. 42.1(a)(1). Nevertheless, in our abatement order dated September 14, 2016, we instructed the trial court to conduct a hearing within twenty-one days of the abatement order—a time period that has not yet passed. We therefore withdraw our September 14, 2016 abatement order and reinstate this appeal. And because dismissal of this appeal does not prevent a party from seeking relief to which it would otherwise be entitled, we grant appellant’s motion to dismiss. *See id.* Accordingly, this appeal is hereby dismissed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed October 5, 2016
[CV06]

