



**NUMBER 13-07-743-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**HI-TECH IRRIGATION, INC.,**

**Appellant,**

**v.**

**GENE MITTAG,**

**Appellee.**

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**On appeal from the County Court at Law No. 5  
of Hidalgo County, Texas.**

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## **MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez, and Benavides  
Memorandum Opinion Per Curiam**

Appellant, Hi-Tech Irrigation, Inc., perfected an appeal from a judgment entered by the County Court at Law No. 5 of Hidalgo County, Texas, in cause number CL-04,2921-E. Appellant has filed a motion to dismiss the appeal on grounds that the trial court has

granted appellant's motion for a new trial. Appellant requests that this Court dismiss the appeal.

The Court, having considered the documents on file and appellant's motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant's motion to dismiss is granted, and the appeal is hereby DISMISSED. Costs will be taxed against appellant. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Memorandum Opinion delivered and  
filed this the 11th day of December, 2008.