



NUMBER 13-08-00229-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

EPGT TEXAS PIPELINE, L.P.
NOW KNOWN AS ENTERPRISE
TEXAS PIPELINE, L. P. ,

Appellant,

v.

ABEL VILLANUEVA,

Appellee.

On Appeal from the 398th District Court
of Hidalgo County, Texas.

MEMORANDUM OPINION

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

Appellant, EPGT Texas Pipeline, L.P. now known as Enterprise Texas Pipeline, L.P., perfected an appeal from a judgment entered by the 398th District Court of Hidalgo County, Texas, in cause number C-690-07-I. Appellant has filed a motion to dismiss the

appeal on grounds that the trial court has granted a new trial which renders the appeal moot. 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. In accordance with the agreement of the parties, costs are taxed against the party incurring same. 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 18th day of September, 2008.