



NUMBER 13-10-00651-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BOBBY KELLY, TDCJ-CID #626124,

Appellant,

v.

ERNEST GUTERREZ, JR., ET AL.,

Appellees.

**On appeal from the 343rd District Court
of Bee County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Vela, and Perkes
Memorandum Opinion Per Curiam**

Appellant, Bobby Kelly, filed an appeal from an order entered by the 93rd District Court of Bee County, Texas, in cause number B-09-1241-CV-C. Appellant has filed a motion to voluntarily dismiss the appeal on grounds he no longer wants to prosecute the appeal. 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

Delivered and filed the
13th day of October, 2011.