



NUMBER 13-11-00298-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

THE CITY OF BAY CITY, TEXAS,

Appellant,

v.

**VAUGHAN DIERLAM AND RAUL MURILLO
AND JOSE MURILLO,**

Appellees.

**On appeal from the 23rd District Court
of Matagorda County, Texas.**

MEMORANDUM OPINION

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

Appellant, City of Bay City, Texas, filed an appeal from an order entered by the 23rd District Court of Matagorda County, Texas, in cause number 07-H-0547-C. Upon review of the documents before the Court, it appeared that the order from which this appeal was taken was not a final appealable order. The Clerk of this Court notified

appellant of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.1, 42.3. Appellant has filed a motion to dismiss the appeal indicating the order from which this appeal is taken is not a final appealable order. 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
3rd day of November, 2011.