



NUMBER 13-10-00526-CV

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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MIIGUEL REGALADO,

Appellant,

v.

NOEHMI B. GUERRA,

Appellee.

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On Appeal from the 107th District Court  
of Cameron County, Texas.

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**MEMORANDUM OPINION ON REHEARING**

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion On Rehearing Per Curiam**

By memorandum opinion issued on June 23, 2011, this Court affirmed the judgment in this cause. *See Regalado v. Guerra*, No. 13-10-00526-CV, 2011 Tex. App. LEXIS 4748, at \*1 (Tex. App.—Corpus Christi June 23, 2011, no pet.) (mem. op.). Appellant has now filed a “Motion for Rehearing and in the Alternative Motion to Dismiss Appeal.” The motion states, in relevant part, that the order subject to appeal herein had

been vacated by the trial court prior to this Court's decision on the merits. Appellant thus requests that we withdraw our opinion and dismiss the appeal. More than ten days have passed since appellant filed this motion and appellee has not filed a response to the motion. See TEX. R. APP. 10.3.

The Court, having examined and fully considered appellant's motion, is of the opinion that it should be granted in part and denied in part. See *id.* R. 42.1(a)(1). The motion is granted insofar as we withdraw our previous opinion and judgment and we dismiss the appeal. See *id.* R. 42.1(c). All other relief sought in the motion is denied. Costs are assessed against appellant. See *id.* R. 42.1(d).

It is so ORDERED.

PER CURIAM

Delivered and filed the  
18th day of August , 2011.