



NUMBER 13-19-00035-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

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PETER BUFFA, M.D.,

Appellant,

v.

UMANG KHETARPAL, M.D.,

Appellee.

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On appeal from the 445th District Court  
of Cameron County, Texas.

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## MEMORANDUM OPINION

Before Chief Justice Contreras and Justices Longoria and Perkes  
Memorandum Opinion by Justice Longoria

Appellant Peter Buffa, M.D. has filed an unopposed motion to withdraw this Court's March 5, 2020 opinion and to dismiss the appeal as moot. See TEX. R. APP. P. 42.1(c). Appellant has notified this Court that his appeal has been rendered moot as he has been nonsuited with prejudice in an underlying matter. The nonsuit with prejudice was filed on

March 4, 2020 and signed by the trial court on March 6, 2020. The Court, having considered the documents on file and the motion to withdraw its opinion and dismiss the appeal as moot, is of the opinion that the motion should be granted. See *id.* 42.1(a). The motion to withdraw the March 5, 2020 opinion and dismiss the appeal is granted and the appeal is hereby DISMISSED as moot. The original memorandum opinion and judgment filed in appellate cause number 13-19-00035-CV are hereby withdrawn. There being no agreement in the motion regarding costs, pursuant to Rule 42.1(d) of the Texas Rules of Appellate Procedure, all costs are taxed against appellant. See *id.* 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.

NORA L. LONGORIA  
Justice

Delivered and filed the  
23rd day of April, 2020.