



NUMBER 13-23-00322-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

GLORIA PENA,

Appellant,

v.

STATE FARM LLOYDS,

Appellee.

**On appeal from the County Court at Law No. 4
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Silva, and Peña
Memorandum Opinion by Justice Peña**

We previously granted the parties' joint motion to abate this appeal until the resolution of *Rodriguez v. Safeco Ins. Co. of Ind.*, which was pending in the Texas Supreme Court, see No. 23–0534, on a question certified by the Fifth Circuit Court of Appeals. See No. 22-11070, 2023 WL 4484240 (5th Cir. July 12, 2023). The Texas

Supreme Court has since issued an opinion in that case. See *Rodriguez v. Safeco Ins. Co. of Ind.*, No. 23-0534, 2024 WL 388142 (Tex. Feb. 2, 2024).

Appellant has now filed an unopposed motion to dismiss appeal stating that she no longer wishes to pursue her appeal. The Court, having considered the motion, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a)(1). Therefore, we reinstate the appeal, grant appellant's motion to dismiss, and dismiss the appeal. Costs will be taxed against the appellant. See *id.* R. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Because the appeal is dismissed at the appellant's request, no motion for rehearing will be entertained.

L. ARON PEÑA JR
Justice

Delivered and filed on the
15th day of February, 2024.