



NUMBER 13-23-00521-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**THE CITY OF CIBOLO,
MARK D. ALLEN, AND
CITY COUNCIL MEMBERS
TERRENCE G. BENSON,
RANDALL R. ROBERTS,
ROBERT P. MAHONEY,
KATIE K. CUNNINGHAM,
NORMA SANCHEZ-STEPHENS,
RICHARD G. HETZEL,
AND JOEL W. HICKS,**

Appellants,

v.

SUPERIOR READY MIX OF TEXAS, LLC,

Appellee.

**On appeal from the 25th District Court
of Guadalupe County, Texas.**

MEMORANDUM OPINION

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

This matter is before the Court on appellants' amended unopposed motion to dismiss appeal.¹ After this appeal was perfected, appellee filed a notice of nonsuit in the trial court which renders the issues in this appeal moot.

The Court, having considered appellants' amended unopposed motion to dismiss appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a)(1). Therefore, the appellants' amended unopposed motion to dismiss is GRANTED, and the appeal is hereby dismissed. Costs will be taxed against the appellants. 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 appellants' request, no motion for rehearing will be entertained.

CLARISSA SILVA
Justice

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

¹ This case is before the Court on transfer from the Fourth Court of Appeals pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001.