

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Doolytle USA, LLC v. International Bank of Commerce

Doolytle USA · No. 09-15-00338-CV · Decided October 15, 2015

SUMMARY

The Ninth District Court of Appeals of Texas granted Doolytle USA, LLC's voluntary motion to dismiss its appeal before the court issued a decision. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1).

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Hollis Horton; McKeithen, C.J.; Johnson, J.
JURISDICTION	Texas
DECIDED	October 15, 2015
DOCKET	09-15-00338-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved voluntarily to dismiss its appeal before the court issued a decision.
PRECEDENTIAL VALUE	unpublished
PARTIES	Doolytle USA, LLC v. International Bank of Commerce

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appellant's voluntary motion to dismiss the appeal should be granted under Texas Rule of Appellate Procedure 42.1(a)(1).

HOLDINGS

1. A voluntary motion to dismiss an appeal filed before the court has issued a decision may be granted under Texas Rule of Appellate Procedure 42.1(a)(1); the court therefore dismissed the appeal.

KEY QUOTATIONS

“The motion is voluntarily made by the appellant prior to any decision of this Court.”

“We grant the motion and dismiss the appeal.”

FACTUAL BACKGROUND

The opinion contains no substantive underlying facts. The relevant procedural fact is that appellant voluntarily moved to dismiss its appeal before the appellate court made any decision, and no other party filed a notice of appeal.

PROCEDURAL HISTORY

Doolytle USA, LLC appealed from the 284th District Court of Montgomery County, Texas, in Trial Cause No. 14-07-07909-CV. Before the Court of Appeals issued a decision, Doolytle filed a motion to dismiss the appeal, and no other party filed a notice of appeal. The court granted the motion and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-15-00338-CV _____ DOOLYTTLE USA, LLC, Appellant V. INTERNATIONAL BANK _____ OF _____ COMMERCE, _____ Appellee _____ On Appeal from the 284th District Court Montgomery County, Texas Trial Cause No. 14-07-07909-CV _____

MEMORANDUM OPINION The appellant, Doolytle USA, LLC, filed a motion to dismiss this appeal.

The motion is voluntarily made by the appellant prior to any decision of this Court. See Tex. R. App. P. 42.1(a)(1). No other party filed notice of appeal. We grant the motion and dismiss the appeal. APPEAL DISMISSED. _____ HOLLIS HORTON Justice 1 Submitted on October 14, 2015 Opinion Delivered October 15, 2015 Before McKeithen, C.J., Horton and Johnson, JJ. 2

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