

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

Jackie Burke v. ETS Oilfield Services, L.P.

Burke · No. 13-12-00710-CV · Decided January 17, 2013

SUMMARY

The Thirteenth Court of Appeals of Texas granted Jackie Burke's unopposed motion to withdraw her appeal from a Nueces County judgment. The court dismissed the appeal at Burke's request, taxed costs against her, declined to entertain a motion for rehearing, and ordered the mandate to issue forthwith.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Chief Justice Valdez; Justice Rodriguez; Justice Perkes
JURISDICTION	Texas
DECIDED	January 17, 2013
DOCKET	13-12-00710-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed a judgment of the County Court at Law No. 4 of Nueces County and then filed an unopposed motion to withdraw the appeal.
PRECEDENTIAL VALUE	published
PARTIES	Jackie Burke v. ETS Oilfield Services, L.P.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the court should grant the appellant's unopposed motion to withdraw the appeal.
2. How appellate costs should be taxed following dismissal at the appellant's request.

HOLDINGS

- 1. The court granted Burke's unopposed motion to withdraw the appeal and dismissed the appeal.
- 2. Costs were taxed against the appellant.

KEY QUOTATIONS

“Absent agreement of the parties, the court will tax costs against the appellant.” (2)

FACTUAL BACKGROUND

The appeal arose from a judgment entered by the County Court at Law No. 4 of Nueces County. Before appellate disposition, Jackie Burke filed an unopposed motion to withdraw the appeal.

PROCEDURAL HISTORY

Jackie Burke appealed a judgment entered by the County Court at Law No. 4 of Nueces County, Texas, in cause number 2012-CCV-60320-4. Burke moved without opposition to withdraw the appeal, and the court granted the motion, dismissed the appeal, taxed costs against Burke, and ordered that no motion for rehearing would be entertained.

DISPOSITION

dismissed

OPINION

PER CURIAM.

NUMBER 13-12-00710-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG
Appellant, v. ETS OILFIELD SERVICES, JACKIE BURKE, L.P., Appellee.
County Court at Law No. 4 of Nueces County, Texas.
MEMORANDUM

OPINION Before Chief Justice Valdez and Justices Rodriguez and Perkes Memorandum Opinion Per Curiam Appellant, Jackie Burke, filed an appeal from a judgment entered by the County Court at Law No. 4 of Nueces County, Texas, in cause number 2012-CCV-60320-4.

Appellant has filed an unopposed motion to withdraw the appeal and requests that this Court withdraw the appeal. The Court, having considered the documents on file and appellant=s unopposed motion to withdraw the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant=s motion to withdraw is GRANTED, and the appeal is hereby DISMISSED.

Costs will be taxed against appellant. See TEX. R. APP. P. 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. PER CURIAM Delivered and filed the 17th day of January, 2013. 2

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