

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Reuben R. Beckmann v. Eileen M. Beckmann

No. 03-25-00836-CV · No. No. 03-25-00836-CV · Decided January 15, 2026

SUMMARY

The Texas Court of Appeals for the Third District granted in part Reuben R. Beckmann’s motion to dismiss his appeal because Eileen M. Beckmann had not sought affirmative relief. The court denied the request to assess appellate costs against the party incurring them and denied the motion to expedite the ruling.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Maggie Ellis; Justices Triana; Justice Kelly; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	January 15, 2026
DOCKET	No. 03-25-00836-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to voluntarily dismiss the civil appeal without the appellee's agreement.
PRECEDENTIAL VALUE	published
PARTIES	Reuben R. Beckmann v. Eileen M. Beckmann

TOPICS

- appellate procedure
- motions to dismiss
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- family law

QUESTIONS PRESENTED

- Whether the court could dismiss the appeal on appellant's motion without the appellee's agreement when appellee had not sought affirmative relief.
- Whether appellate costs should be assessed against the party that incurred them rather than against appellant absent an agreement.

3. Whether the court should expedite its ruling on the motion to dismiss.

HOLDINGS

1. Under Texas Rule of Appellate Procedure 42.1(a), the court may dismiss a civil appeal on appellant's motion without the appellee's agreement when dismissal would not prevent the appellee from seeking relief to which it would otherwise be entitled; because appellee had not sought affirmative relief, dismissal was permissible.
2. Absent an agreement of the parties, appellate costs are taxed against the appellant.
3. The request to expedite the ruling was denied because the circumstances did not establish a basis for departing from the ordinary timing rule for motions.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Appellant Reuben R. Beckmann sought voluntary dismissal of his civil appeal. Appellee Eileen M. Beckmann did not agree to dismissal, but she had not sought affirmative relief in the appeal. The court determined that dismissal would not prejudice appellee's right to seek relief.

PROCEDURAL HISTORY

The appeal arose from the 53rd District Court of Travis County, cause number D-1-FM-19-004598. Appellant moved to dismiss the appeal; appellee did not agree to dismissal and had not sought affirmative relief. The court dismissed the appeal, denied appellant's request to tax costs against the party incurring them, and denied appellant's request to expedite the ruling.

DISPOSITION

dismissed

CASES CITED

- Giffin v. Giffin, 962 S.W.2d 649, 649 (Tex. App.—Corpus Christi—Edinburg 1998, no pet.)
- Wells Fargo Bank, N.A. v. Express Limousines, Inc., No. 03-19-00023-CV, 2019 WL 455217, at *1 (Tex. App.—Austin Feb. 6, 2019, no pet.) (mem. op.)

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00836-CV Reuben R. Beckmann, Appellant v. Eileen M. Beckmann, Appellee FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY NO. D-1-FM-19-004598, THE HONORABLE AMY CLARK

MEACHUM, JUDGE PRESIDING MEMORANDUM OPINION Appellant Reuben R. Beckmann has filed a motion to dismiss this appeal.

We may voluntarily dismiss a civil appeal in two circumstances: (1) when the parties agree to dismiss the appeal; or (2) when appellant files a motion to dismiss the appeal and dismissing the appeal would not “prevent a party from seeking relief to which it would otherwise be entitled.” Tex. R. App. P. 42.1(a). Appellant’s certificate of conference reflects that appellee has not agreed to dismiss the appeal.

Therefore, we may only dismiss this appeal if we determine that dismissing will not prejudice appellee’s right to seek relief. See *id.* R. 42.1(a)(1). However, appellee has not sought any affirmative relief in this appeal.

Accordingly, we grant in part appellant’s motion and dismiss the appeal. See *id.* R. 42.1(a); *Giffin v. Giffin*, 962 S.W.2d 649, 649 (Tex. App.—Corpus Christi—Edinburg 1998, no pet.); *Wells Fargo Bank, N.A. v. Express Limousines, Inc.*, No. 03-19-00023-CV, 2019 WL 455217, at *1 (Tex. App.—Austin Feb. 6, 2019, no pet.) (mem. op.) (granting appellant’s opposed motion to dismiss the appeal because “[a]ppellees... have not requested affirmative relief in this appeal”).

We deny appellant’s request to assess costs of the appeal against the party that incurred them. See Tex. R. App. P. 42.1(d) (“Absent agreement of the parties, the court will tax costs against the appellant.”). We deny appellant’s motion to expedite our ruling on his motion to dismiss. See *id.* R. 10.3(a) (providing that appellate courts “should not hear or determine a motion until 10 days after the motion was filed,” unless motion is unopposed, seeks extension of time, or reflects emergency). _____ Maggie Ellis, Justice Before Justices Triana, Kelly, and Ellis Dismissed on Appellant’s Motion Filed: January 15, 2026 2