

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00296-CV

Texas Commission on Environmental Quality, Appellant

v.

Public Citizen, Inc., Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT
NO. D-1-GN-09-003426, HONORABLE GISELA D. TRIANA, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellee Public Citizen, Inc., has filed a motion to dismiss this interlocutory appeal as moot. As part of its motion, Public Citizen asked in the alternative that this Court remand for the limited purpose of allowing Public Citizen to voluntarily dismiss its claims against appellant Texas Commission on Environmental Quality (TCEQ) in the trial court. TCEQ opposed the motion. Although it was not apparent that Public Citizen needed permission from this Court to dismiss its own case, we abated this appeal for thirty days for the sole purpose of allowing Public Citizen to dismiss its claims against TCEQ in the trial court. *See Texas Comm'n on Envtl. Quality v. Public Citizen*, No. 03-10-00296-CV, 2013 Tex. App. LEXIS 8694 (Tex. App.—Austin July 16, 2013) (mem. op). Public Citizen has filed satisfactory proof of nonsuit in the trial court.

Accordingly, we reinstate this appeal, grant Public Citizen's motion, and dismiss the appeal. *See* Tex. R. App. P. 42.3(a).

Melissa Goodwin, Justice

Before Justices Rose, Goodwin, and Field

Dismissed as Moot

Filed: August 9, 2013