

Dismissed and Opinion filed March 22, 2001.

In The
Fourteenth Court of Appeals

NO. 14-01-00223-CV

JOHN BEAR, Appellant

V.

DON ELTHON, Appellee

**On Appeal from the 281st District Court
Harris County, Texas
Trial Court Cause No. 96-36787**

MEMORANDUM OPINION

This is an interlocutory appeal from an order signed February 16, 2001, which denied appellant's motion for summary judgment based on official immunity. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(5) (Vernon Supp. 2000). Appellant's notice of appeal was filed February 19, 2001.

On March 1, 2001, the trial court reconsidered its ruling and signed an order setting aside that part of its February 16, 2001 order denying summary judgment as to appellee's defamation claims against appellant. The court's order then granted summary judgment in favor of appellant on all of appellee's claims against him.

On March 13, 2001, appellant filed a motion in this court to dismiss the interlocutory appeal as moot because the trial court had vacated the February 16, 2001 order denying summary judgment and granted summary judgment in favor of appellant. The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 22, 2001.

Panel consists of Justices Edelman and Frost, and Senior Chief Justice Murphy.¹

Do Not Publish — TEX. R. APP. P. 47.3(b).

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.