

No. 23-10408

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Disability Rights Texas,
Plaintiff - Appellee

v.

Ricky Bishop, in his official capacity as the Sheriff of Taylor County, Texas
Defendant – Appellant

On Appeal from

United States District Court for the Northern District of Texas
1:21-CV-124

APPELLANT'S MOTION TO VOLUNTARILY DISMISS APPEAL

SUBMITTED BY:

Robert Wagstaff
McMahon, Surovik, Suttle, P.C.
P.O. Box 3679
Abilene, TX 79604

Defendant-Appellant Ricky Bishop, in his Official Capacity as Sheriff of Taylor County, Texas (“Defendant”), by and through counsel, hereby submits this Joint Motion to Voluntarily Dismiss Appeal pursuant to Federal Rule of Appellate Procedure 42(b). In support, Defendant states as follows:

1. On April 20, 2023, Defendant filed a timely Notice of Appeal from the District Court’s March 21, 2023 order awarding Plaintiff attorneys’ fees.
2. On June 21, 2023, the Parties engaged in voluntary mediation conducted by Fifth Circuit mediator Suzanne Butler, during which a settlement was reached as to the single issue on appeal.
3. Defendant now seeks to voluntarily dismiss this appeal pursuant to Rule 42(b), which provides that an “appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the court.” Fed. R. App. P. 42(b).
4. Defendant has consulted with Plaintiff and this motion is unopposed.
5. The Parties stipulate and agree that each will bear this own attorneys’ fees and costs in this matter.

WHEREFORE, Defendant respectfully asks the Clerk of this Court to enter an order dismissing with prejudice the above-captioned appeal pursuant to Federal Rule of Appellate Procedure 42(b).

Dated: August 21, 2023

Respectfully submitted,

/s/ Robert B. Wagstaff
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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I certify that the foregoing motion was electronically filed on the 21st day of August, 2023, using the court's CM/ECF system. I further certify that on this same date, a copy of this motion was served on all counsel of record via CM/ECF.

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/s/ Robert B. Wagstaff
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