

No. 24-0452

**In The
Supreme Court of Texas**

**WARREN KENNETH PAXTON, JR.,
PETITIONER**

v.

**COMMISSION FOR LAWYER DISCIPLINE,
RESPONDENT**

*On Petition for Review from the
Fifth Court of Appeals, Dallas
Case No. 05-23-00128-CV*

**THE COMMISSION FOR LAWYER DISCIPLINE'S
NOTICE OF NONSUIT WITH PREJUDICE**

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Texas Rule of Civil Procedure 162, Respondent/Plaintiff, the Commission for Lawyer Discipline (the "Commission") files this notice of nonsuit with prejudice of its claims in this attorney disciplinary action.

Rule 162 provides the plaintiff an absolute right to take a nonsuit at any time before the introduction of its evidence other than rebuttal evidence. TEX. R. CIV. P. 162; *Morath v. Lewis*, 601 S.W.3d 785, 787-89 (Tex. 2020) (per curiam) (nonsuit filed directly with Texas Supreme Court pending petition for review on pending

interlocutory appeal on plea to the jurisdiction); *see also Univ. of Tex. Med. Branch at Galveston v. Estate of Blackmon*, 195 S.W.3d 98, 100 (Tex. 2006) (per curiam) (nonsuit filed with trial court pending interlocutory appeal on plea to the jurisdiction). The Commission believes this Court’s recent decision in *Webster v. Comm’n for Lawyer Discipline*, No. 23-0694, 2024 WL 5249494 (Tex. Dec. 31, 2024), calls for its nonsuit of this related attorney disciplinary action.

The Commission brings the only affirmative claims for relief in this attorney disciplinary action and no judgment on the merits has been rendered, entitling it to take such nonsuit. *Id.* This nonsuit thus disposes of all claims and parties.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Notice of Nonsuit with Prejudice of Plaintiff/Respondent, the Commission for Lawyer Discipline, has been served on all counsel of record by electronic service through this Court's electronic filing service provider on the 22nd day of January 2025.



MICHAEL G. GRAHAM
APPELLATE COUNSEL
STATE BAR OF TEXAS

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Status as of 1/22/2025 12:05 PM CST

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