

Dismissed and Opinion filed September 30, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-09-00699-CV

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**SIMMONS, JANNACE & STAGG, L.L.P., Appellant**

**V.**

**THE BUZBEE LAW FIRM, Appellee**

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**On Appeal from County Court at Law No. 3  
Galveston County, Texas  
Trial Court Cause No. 60,368**

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**OPINION**

This is an appeal from a judgment signed July 24, 2009. The record reflects appellant, Simmons, Jannace & Stagg, L.L.P., is attempting to appear pro se. The law firm of Simmons, Jannace & Stagg, L.L.P., may not proceed pro se. “Corporations and partnerships, both of which are fictional legal persons, obviously cannot appear for themselves personally. . . . [T]hey must be represented by counsel.” *Southwest Express Co. v. Interstate Commerce Comm’n*, 670 F.2d 53, 54 (5<sup>th</sup> Cir. 1982) (per curiam) (interpreting 28 U.S.C. § 1654); accord *Rowland v. California Men’s Colony, Unit II*

*Men's Advisory Council*, 506 U.S. 194, 201-02 (1993); *see also* Tex. Bus. Orgs. Code Ann. § 152.056 (Vernon Pamphlet 2009) (“A partnership is an entity distinct from its partners.”); *Dell Dev. Corp. v. Best Indus. Uniform Supply Co., Inc.*, 743 S.W.2d 302 (Tex. App.—Houston [14th Dist.] 1987, writ denied) (analogizing Tex. R. Civ. P. 7 to 28 U.S.C. § 1654).

On August 17, 2010, this court notified the parties that appellant’s brief would be stricken and the appeal subject to dismissal for want of prosecution unless an attorney authorized to practice law in the State of Texas filed a substitute brief on behalf of appellant. Appellant was informed the appeal would be dismissed unless it filed a response on or before September 6, 2010, showing meritorious grounds for continuing the appeal.

Appellant filed no response. Accordingly, the appeal is ordered dismissed.

/s/ Jeffrey V. Brown  
Justice

Panel consists of Justices Brown, Sullivan, and Christopher.