



**NUMBER 13-20-00319-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**EIGHT THOUSAND, ONE HUNDRED  
AND TWENTY AND 00/100 (\$8,120.00)  
DOLLARS IN U.S. CURRENCY,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 28th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Longoria, Hinojosa, and Tijerina  
Memorandum Opinion by Justice Tijerina**

This cause is before the Court on appellee's motion to dismiss. The appellant's brief in the above cause was originally due on January 4, 2021. On January 11, 2021 and January 27, 2021, the Clerk of the Court notified appellant that the brief was past

due. Subsequently, the Court granted appellant's request for an extension of time to file the brief. On April 7, 2021, appellant appeared pro se and filed a brief that was not in compliance with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 38.1. On April 4, 2021, the Clerk of the Court sent appellant notice of the defects and instructed him to file an amended brief within ten days of the notice. On May 7, 2021, the Clerk of the Court sent appellant a second defect notice and informed him that if the defects were not cured within ten days, the appeal shall be dismissed.

Appellant failed to file an amended brief, and the initial brief failed generally to comply with Rules 9.4(i)(3), 9.5(a, e), and 38.1(a, b, c, d, e, f, g, h, i, j, k), as required by Texas Rules of Appellate Procedure. Furthermore, pro se litigants are held to the same standards as licensed attorneys, and they must therefore comply with all applicable rules of procedure. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978).

If a party files a brief that does not comply with the Texas Rules of Appellate Procedure, the court may strike the brief, prohibit the party from filing another, and proceed as if the party had failed to file a brief. TEX. R. APP. P. 38.9(a). Pursuant to Texas Rule of Appellate Procedure 38.8(a), where an appellant has failed to file a brief, the appellate court may dismiss the appeal for want of prosecution. Additionally, an appellate court may dismiss a cause on any party's motion for want of prosecution or for failing to comply with the rule or notice from the clerk required a response or action. TEX. R. APP. P. 42.3(b),(c).

Accordingly, we grant appellee's motion to dismiss, strike appellant's non-conforming brief, and order the appeal dismissed for want of prosecution. See TEX. R. APP. P. 42.3(b)(c).

JAIME TIJERINA  
Justice

Delivered and filed on the  
26th day of August, 2021.