

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT, ITS SUCCESSORS
AND/OR ASSIGNS,
Plaintiff/Appellee,

v.

DOUGLAS MURRAY SANDERS,
Defendant/Appellant.

No. 2 CA-CV 2022-0103
Filed May 1, 2023

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pima County
No. C20221305
The Honorable Lee Ann Roads, Judge

AFFIRMED

COUNSEL

Douglas Murray Sanders, Tucson
In Propria Persona

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MEMORANDUM DECISION

Presiding Judge Brearcliffe authored the decision of the Court, in which Judge Eckerstrom and Judge Kelly concurred.

BREARCLIFFE, Judge:

¶1 Appellant Douglas Sanders appeals from the trial court's judgment that appellee U.S. Bank National Association is entitled to possession of certain real property and that Sanders was guilty of forcible detainer of the property. For the following reasons, we affirm.

Factual and Procedural Background

¶2 "We view the evidence in the light most favorable to upholding the trial court's ruling." *Mahar v. Acuna*, 230 Ariz. 530, ¶ 2 (App. 2012). U.S. Bank purchased Sanders's property at a trustee's sale in February 2022. The following month, U.S. Bank gave Sanders written notice that the property had been purchased and that Sanders had seven days after service to deliver possession of the property. Sanders failed to deliver possession of the property within seven days, and U.S. Bank filed a complaint for forcible detainer and money damages.

¶3 Sanders responded, stating that he "refuse[d] summons received June 7, 2022." The trial court ruled in favor of U.S. Bank and issued a judgment finding that U.S. Bank was "entitled to the immediate possession of the . . . real property" and that Sanders was "guilty of forcible detainer of said premises." The court then issued a writ of restitution in favor of U.S. Bank. This appeal followed.¹ We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1) and 12-2101(A)(1).

¹After filing his notice of appeal, Sanders filed with the trial court two motions "to set aside or void writ of restitution." The court denied the motions to the extent they were motions to quash the writ, and it noted that if Sanders was seeking to set aside the underlying judgment, the court lacked jurisdiction because the notice of appeal had already been filed.

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Analysis

¶4 On appeal, Sanders requests the return of his property, which he claims was “stolen” by U.S. Bank, and other monetary compensation. He has not shown any entitlement to relief.

¶5 An appellant must support all claims raised in the opening brief with “appropriate references to the record,” “supporting reasons for each contention,” and “citations of legal authorities and appropriate references to the portions of the record on which the appellant relies.” Ariz. R. Civ. App. P. 13(a)(5), (7). Failure to comply with these rules may constitute waiver of an argument on appeal. *Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (App. 2009). Sanders has failed to present any significant arguments supported by proper legal authority on appeal. And, although he is self-represented, “[w]e hold unrepresented litigants in Arizona to the same standards as attorneys.” *Flynn v. Campbell*, 243 Ariz. 76, ¶ 24 (2017). “[C]ourts may not afford special leniency to pro se litigants.” *Id.* Because any arguments he raised were “not argued adequately, with appropriate citation to supporting authority,” we deem Sanders’s arguments waived on appeal and do not address them. *See In re J.U.*, 241 Ariz. 156, ¶ 18 (App. 2016).²

Disposition

¶6 For the foregoing reasons, we affirm the trial court’s judgment.

²Additionally, although not raised in Sanders’s opening brief, it is important to note that U.S. Bank did not file an answering brief on appeal. Failure to file an answering brief may be deemed a confession of reversible error, *DeLong v. Merrill*, 233 Ariz. 163, ¶ 9 (App. 2013), however, the confession of error doctrine is discretionary, *Nydam v. Crawford*, 181 Ariz. 101, 101 (App. 1994). An opposing party is, of course, only required to respond to debatable issues. *See Chalpin v. Snyder*, 220 Ariz. 413, n.7 (App. 2008). We will not deem U.S. Bank’s failure to be a confession of error in light of the absence of any supported argument challenging the correctness of the trial court’s ruling. *See Nydam*, 181 Ariz. at 101 (“[W]e are reluctant to reverse based on an implied confession of error when, as here, the trial court has correctly applied the law.”). Therefore, in our discretion, we decline to do so here.