Not Designated for Publication

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA07-1048

JOHNNY HARRIS, APPELLANT	**Opinion Delivered** OCTOBER 29, 2008
V.	APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, [NO. CV06-6535]
RANDY JOHNSON, SHERIFF and BOYD G. MONTGOMERY, ET AL., APPELLEES	HONORABLE TIM FOX, JUDGE, AFFIRMED

KAREN R. BAKER, Judge

Appellant Johnny Harris asserts three points of error challenging the circuit court's dismissal of his complaint: (1) the trial court's ruling and dismissal were not in accordance with Rule 12(b)(6) of the Arkansas Rules of Civil Procedure; (2) the trial court erred in dismissing the remainder of the defendants that did not file an answer nor file a defense to the claim, or set off to the claim; (3) the trial court erred in dismissing claims against appellant Sheriff Randy Johnson. For the reasons stated herein, we affirm.

This appeal was brought pro se, and appellant failed to cite relevant authority in support of his arguments. It has been repeatedly held that the appellate court will not consider arguments unsupported by convincing argument or sufficient citation to legal authority. *Omni Holding & Dev. Corp. v. 3D.S.A., Inc*., 356 Ark. 440, 156 S.W.3d 228 (2004). This alone is sufficient reason not to address appellant's points of appeal. *Id.* In addition, appellant's abstract is deficient and does not comply with the requirements of Rule 4-2 of the Rules of the Supreme Court and Court of Appeals. Pro se appellants are held to the same standard as those represented by counsel. *See Moon v.*

Holloway, 353 Ark. 520, 110 S.W.3d 250 (2003). The pro se appellant should be aware before he elects to proceed that pro se appellants receive no special consideration of their argument and are held to the same standard as a licensed attorney. *Wade v. State,* 288 Ark. 94, 702 S.W.2d 28 (1986). *See also Perry v. State,* 287 Ark. 384, 699 S.W.2d 739 (1985)(holding that pro se litigants are held to the same standards as attorneys and must follow the rules of appellate procedure); *accord Van Bibber v. Laster,* 289 Ark. 87, 709 S.W.2d 90 (1986). Rather than order rebriefing pursuant to Rule 4-2(b)(3), we instead reach the merits because appellees have provided supplemental abstracts and addendums, and we may go to the record to affirm. *See Robinson v. State,* 49 Ark. App. 58, 896 S.W.2d 442 (1995).

In reviewing the trial court's decision on a motion to dismiss under Rule 12(b)(6) of the Arkansas Rules of Civil Procedure, this court treats the facts alleged in the complaint as true and views them in a light most favorable to the party who filed the complaint. *Perry v. Baptist Health*, 358 Ark. 238, 189 S.W.3d 54 (2004). In testing the sufficiency of the complaint on a motion to dismiss, all reasonable inferences must be resolved in favor of the complaint, and the pleadings are to be liberally construed. *Id.* However, a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief. *Id.* The court will look to the underlying facts supporting an alleged cause of action to determine whether the matter has been sufficiently pled. *Id.*

When the plaintiff whose complaint has been dismissed for failure to state facts upon which relief can be granted chooses to appeal, he or she waives the right to plead further, and the complaint will be dismissed with prejudice. *Sluder v. Steak & Ale of Little Rock, Inc.*, 368 Ark. 293, 245 S.W.3d 115 (2006). Moreover, it is a well-settled rule of law that a dismissal with

prejudice is as conclusive of the rights of the parties as if there were an adverse judgment as to the plaintiff after a trial. *Id*.

An appellant has the burden of demonstrating error on appeal. *See Arrow Int'l, Inc. v. Sparks*, 81 Ark. App. 42, 98 S.W.3d 48 (2003) (recognizing that, regardless of the burden of proof below, it is the appellant's burden to demonstrate reversible error on appeal). Here, appellant has not met that burden. He does not explain the nature of the claim he asserted to the trial court nor the factual allegations supporting his entitlement to relief. His argument, therefore, is not developed to the point that we can make an informed ruling on this issue. We will not address issues on appeal that are not appropriately developed. *See generally McDermott v. Sharp,* 371 Ark. 462, --- S.W.3d ---- (2007). Applying these principles, we find no error in the trial court's dismissal of appellant's suit against all parties.

While appellant does allege in his argument that the remainder of the defendants had been properly served but failed to answer or file any affirmative response, appellees properly bring to our attention that there is no evidence in the record that any of the parties other than appellees were ever served. Even if they had been properly served and failed to answer, appellant has still failed to properly develop on appeal arguments that demonstrate error.

We sympathize with the difficulties involved in pro se appeals; however, we do not relax our rules for pro se appellants. *Hooker v. Farm Plan Corp.,* 331 Ark. 418, 962 S.W.2d 353 (1998). Accordingly, appellant has failed to demonstrate error.

Affirmed.

PITTMAN, C.J., and HUNT, J., agree.