

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA06-171

NORTH CAROLINA COURT OF APPEALS

Filed: 7 November 2006

REGINALD MCMILLAN,
Plaintiff-Employee,

v.

North Carolina
Industrial Commission
Nos. 235975 & 314725

GENERAL ELECTRIC COMPANY,
Defendant-Employer,

and

ELECTRIC INSURANCE COMPANY,
Defendant-Carrier.

Appeal by plaintiff from an Opinion and Award entered 6 September 2005 by the Full Commission. Heard in the Court of Appeals 11 October 2006.

Reginald D. McMillan, pro se, plaintiff-appellant.

Young Moore and Henderson P.A., by Jeffrey T. Linder and Angela N. Farag, for defendant-appellees.

PER CURIAM.

Reginald D. McMillan (plaintiff) appeals from an Opinion and Award of the North Carolina Industrial Commission (Full Commission) entered 6 September 2005, denying his claims to workers compensation benefits. However, plaintiff's brief to this Court is in violation of several of the North Carolina Rules of Appellate Procedure, thereby warranting dismissal of his appeal.

Plaintiff's brief fails to comply with the North Carolina Rules of Appellate Procedure by (1) failing to include a "concise statement of the procedural history of the case[,]" N.C. R. App. P. 28(b)(3); and (2) failing to include a "concise statement of the applicable standard(s) of review for each question presented." N.C. R. App. P. 28(b)(6). Further, in his argument to this Court, plaintiff merely lists three separate issues alleging error by the "trial court." Plaintiff does not reference the assignments of error pertinent to each issue and none of plaintiff's issues are supported with any argument or citation to any authority. "Assignments of error not set out in the appellant's brief, or in support of which no reason or argument is stated or authority cited, will be taken as abandoned." *Id.*

"The North Carolina Rules of Appellate Procedure are mandatory and 'failure to follow these rules will subject an appeal to dismissal.'" *Viar v. N.C. Dep't of Transp.*, 359 N.C. 400, 401, 610 S.E.2d 360, 360 (quoting *Steingress v. Steingress*, 350 N.C. 64, 65, 511 S.E.2d 298, 299 (1999), *reh'g denied*, 359 N.C. 643, 617 S.E.2d 662 (2005)). Moreover, we cannot ascertain the true nature of plaintiff's appeal as there is no cogent argument or citation to authority. "It is not the role of the appellate courts . . . to create an appeal for an appellant. . . . [T]he Rules of Appellate Procedure must be consistently applied; otherwise, the Rules become meaningless[.]" *Id.* at 402, 610 S.E.2d at 361. Accordingly, we dismiss plaintiff's appeal.

Dismissed.

Panel consisting of:

Judges TYSON, BRYANT and LEVINSON.

Report per Rule 30(e).