

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

MISBA UDDIN,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
DAVID ALBAZ,	:	
	:	
	:	No. 1436 EDA 2013

Appeal from the Order Dated May 6, 2013
In the Court of Common Pleas of Philadelphia County
Civil Division No(s): April Term, 2013, No. 001161

BEFORE: BENDER, P.J., LAZARUS, and FITZGERALD,* JJ.

MEMORANDUM BY FITZGERALD, J.: **FILED NOVEMBER 22, 2013**

Appellant, Misba Uddin, has filed this *pro se* appeal from the order of the Philadelphia Court of Common Pleas that denied his motion seeking reconsideration of a judgment of \$6,400 entered in his favor by the Philadelphia Municipal Court. Following our review, we are compelled to dismiss the appeal based on an improper brief.

The record transmitted to this Court indicates that Appellant filed a claim in the Municipal Court seeking a return of the \$6,300 he paid Appellee, David Albaz, for a 2006 Ford Crown Victoria that Appellee did not deliver. Appellant’s Statement of Claim (undated copy). Appellant asserted that the

* Former Justice specially assigned to the Superior Court.

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vehicle was a taxi and, in addition to the return of the purchase money, he claimed \$5,700 in consequential damages for “transportation and loss of wages.” **Id.** The Municipal Court, on January 18, 2013, entered a judgment of \$6,300 in Appellant’s favor (the “underlying judgment”) and provided him with a written “Notice of Money Judgment in [his] Favor” form that explained his appellate rights.

Nearly three months later, on April 8 and April 9, 2013, respectively, Appellant filed in the Court of Common Pleas an appeal from the underlying judgment and a miscellaneous motion for reconsideration. In his motion for reconsideration, entitled “My Opinion,” he asserted “I’m not satisfied in th[e underlying] judgment. I was unemployed 8 (eight) month[s] and lost money \$8000 every month.” Appellant’s Mot. for Recons., 4/9/13. The trial court denied Appellant’s motion for reconsideration on May 6, 2013, and subsequently entered an order closing Appellant’s appeal in the Court of Common Pleas. Appellant timely filed the instant appeal to this Court.¹

Appellant’s *pro se* brief consists of copies of his municipal court statement of claim and that court’s notice of money judgment, as well as the motion for reconsideration he originally filed in the trial court and the trial court’s opinion filed in this case. **See** Appellant’s Brief at 4-5. Appellant did

¹ The trial court did not order a Pa.R.A.P. 1925(b) statement of errors complained of on appeal.

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not include a statement of questions presented, a summary of argument, or argument.

Pennsylvania Rule of Appellate Procedure 2101 states:

Briefs and reproduced records shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief or reproduced record of the appellant and are substantial, the appeal or other matter may be quashed or dismissed.

Pa.R.A.P. 2101. Rule 2111 sets forth the rules regarding the content of the brief of the appellant and provides, in relevant part, that a brief contain a statement of questions involved, a statement of the case, and an argument section. Pa.R.A.P. 2111(a)(4), (5), (8). Rule 2119 sets forth the requirements for the argument and requires discussion and citation to legal authority. Pa.R.A.P. 2119(a)-(b).

This Court has observed:

While this court is willing to liberally construe materials filed by a *pro se* litigant, we note that [he] is not entitled to any particular advantage because []he lacks legal training. As our supreme court has explained, “any layperson choosing to represent [himself] in a legal proceeding must, to some reasonable extent, assume the risk that [his] lack of expertise and legal training will prove [his] undoing.”

Smathers v. Smathers, 670 A.2d 1159, 1160 (Pa. Super. 1996) (citation omitted).

Instantly, we find that the defects in Appellant’s brief are substantial and preclude meaningful appellate review. **See** Pa.R.A.P. 2101; ***Smathers***,

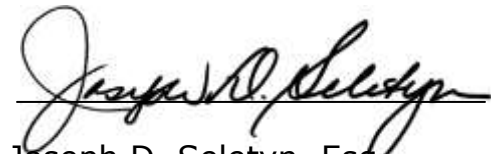
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670 A.2d at 1160. As noted above, Appellant merely submits a copy of the motion for reconsideration he filed in the trial court. Our review reveals no appellate argument that the trial court erred in concluding that he failed to comply with the procedural rules governing an appeal from a Municipal Court judgment. Furthermore, Appellant fails to address the threshold issues raised by the facial untimeliness of his appeal from the underlying judgment. **See** Pa.R.C.P.M.D.J. 1002A (stating, "A party aggrieved by a judgment for money . . . may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal . . .").

Given the absence of **any** argument to support Appellant's request for appellate relief, we are compelled to dismiss this appeal. **See** Pa.R.A.P. 2101.

Appeal dismissed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 11/22/2013