

**DISMISS and Opinion Filed September 5, 2014.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-14-00124-CV**

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**CARL BENSON, Appellant**

**V.**

**BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER  
TO LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR  
CERTIFICATEHOLDERS OF EMC MORTGAGE LOAN TRUST 2004-B,  
MORTGAGE LOAN PASS THROUGH CERTIFICATES,  
SERIES 2004-B, ITS SUCCESSORS AND ASSIGNS, Appellee**

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**On Appeal from the County Court at Law No. 4  
Dallas County, Texas  
Trial Court Cause No. CC-14-00086-D**

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**MEMORANDUM OPINION**

Before Justices Lang, Myers, and Brown  
Opinion by Justice Lang

Before the Court is appellee's motion to dismiss the appeal. Appellee contends the appeal should be dismissed for want of prosecution.

After being informed by this Court that his brief was past due, appellant filed a document entitled "Brief of Events for Review" on June 13, 2014. This document was deficient because it failed to contain (1) a concise statement of facts supported by record references, (2) citations to authorities, (3) citations to the record, and (4) an appendix. *See* TEX. R. APP. P. 38.1(g), (i), & (k). Accordingly, on June 13, 2014, the Court sent appellant a defective brief notice giving him ten days to file an amended brief correcting the deficiencies. We cautioned appellant that failure to file an amended brief that complies with the rules of appellate procedure within ten days may

result in dismissal of his appeal without further notice. *See* TEX. R. APP. P. 38.8(a)(1) & 42.3(b) & (c).

On June 20, 2014, appellant filed a document entitled “A Public Declaration and Notice of Immediate Withdraw of Consent.” This document is addressed to federal judges, not this Court, and does not constitute an amended brief complying with rule of appellate procedure 38.1. On August 14, 2014, appellant filed a document entitled “Plaintiffs’ Motion for Summary Judgment on Damages, Penalties, Attorney’s Fees, Costs and Expenses Ex Parte Canon Law, True Bill Order, Bill of Cost.” Like the previous document, this document is also addressed to federal judges and does not constitute a compliant appellate brief.

Appellant has failed to file an amended brief as instructed from this Court. Accordingly, we grant appellee’s motion and dismiss the appeal. *See* TEX. R. APP. P. 38.8(a)(1); 42.3(b) & (c).

/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

CARL BENSON, Appellant

No. 05-14-00124-CV      V.

BANK OF AMERICA, NATIONAL  
ASSOCIATION AS SUCCESSOR BY  
MERGER TO LASALLE BANK  
NATIONAL ASSOCIATION AS  
TRUSTEE FOR CERTIFICATEHOLDERS  
OF EMC MORTGAGE LOAN TRUST  
2004-B, MORTGAGE LOAN PASS  
THROUGH CERTIFICATES, SERIES  
2004-B, IT SUCCESSORS AND ASSIGNS,  
Appellee

On Appeal from the County Court at Law  
No. 4, Dallas County, Texas.

Trial Court Cause No. CC-14-00086-D.

Opinion delivered by Justice Lang. Justices  
Myers and Brown, participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR CERTIFICATEHOLDERS OF EMC MORTGAGE LOAN TRUST 2004-B, MORTGAGE LOAN PASS THROUGH CERTIFICATES, SERIES 2004-B, IT SUCCESSORS AND ASSIGNS recover its costs of this appeal from appellant CARL BENSON.

Judgment entered this 5th day of September, 2014.