

DISMISS; and Opinion Filed June 20, 2016.



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

No. 05-15-00834-CV

JOHN BRIGGS, Appellant

V.

WASHINGTON FEDERAL F/K/A WASHINGTON FEDERAL SAVINGS, Appellee

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-08367**

MEMORANDUM OPINION

**Before Justices Francis, Fillmore, and Schenck
Opinion by Justice Fillmore**

Pro se appellant John Briggs filed a brief in this appeal on October 9, 2015. The Court sent a letter to appellant on October 27, 2015, and advised him that his brief did not satisfy the requirements of rule 38 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 38. The Court's letter to appellant listed multiple deficiencies with appellant's brief.¹ The letter also informed appellant that his appeal might be dismissed without further notice if he failed to file an

¹ The Court's letter advised appellant of the following deficiencies in his brief: it does not contain a complete list of all parties to the trial court's judgment with the names and addresses of all trial and appellate counsel, TEX. R. APP. P. 38.1(a); it does not contain a table of contents with references to the pages of the brief, TEX. R. APP. P. 38.1(b); the table of contents does not indicate the subject matter of each issue or issues, TEX. R. APP. P. 38.1(b); it does not contain an index of authorities arranged alphabetically and indicating the pages of the brief where the authorities are cited, TEX. R. APP. P. 38.1(c); it does not contain a concise statement of the case, the course of proceedings, and the trial court's disposition of the case supported by record references, TEX. R. APP. P. 38.1(d); it does not concisely state all issues presented for review, TEX. R. APP. P. 38.1(f); it does not contain a concise statement of the facts supported by record references, TEX. R. APP. P. 38.1(g); the argument does not contain appropriate citations to authorities and to the record, TEX. R. APP. P. 38.1(i); it does not contain a short conclusion that clearly states the nature of the relief sought, TEX. R. APP. P. 38.1(j) and it lacks an appendix containing the trial court's judgment, the text of any rule, regulation, ordinance, statute, constitutional provision or law other than case law on which the argument is based, and the text of any contract or other document central to the argument, TEX. R. APP. P. 38.1(k)(A), (B), & (C). In the Court's letter, we also noted the following additional deficiencies in appellant's brief under rule of appellate procedure 9: the text of the brief is not proper size and it does not contain a proper certificate of service. *See* TEX. R. APP. P. 9(e)(2)(3).

amended brief complying with the rules of appellate procedure within ten days of October 27, 2015. On November 6, 2015, appellant filed a request for a ten-day extension of time in which to file his amended brief in this Court. By order signed November 10, 2015, we granted appellant the requested extension and ordered that he file an amended brief by November 16, 2015. However, appellant failed to file an amended brief.

Although appellant is pro se, he is required to adhere to the rules of appellate procedure. See *Bolling v. Farmers Branch Indep. Sch. Dist.*, 315 S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.). “Our appellate rules contain specific requirements for briefing that require, among other things, that an appellant provide a statement of facts, which includes references to the record, and an argument that is clear and concise with appropriate citations to authorities and the record.” *Holz v. United States of Am. Corp.*, No. 05-13-01241-CV, 2014 WL 6555024, at *1 (Tex. App.—Dallas Oct. 23, 2014, no pet.) (mem. op.); see also *See* TEX. R. APP. P. 38.1(g), (i). “Only when we are provided with proper briefing may we discharge our responsibility to review the appeal and make a decision that disposes of the appeal.” *Holz*, 2014 WL 6555024, at *1. We are not responsible for searching the record for facts that may be favorable to a party’s position or for doing legal research to find authorities that might support a party’s position. See *Holz*, 2014 WL 6555024, at *1; *Bolling*, 315 S.W.3d at 895. “If we did so, even for a pro se litigant untrained in law, we would be abandoning our role as judges and become advocates for a party.” *Holz*, 2014 WL 6555024, at *1. “If we conclude a brief complies with the Texas Rules of Appellate Procedure, we submit the appeal for review and decision on the merits.” *Id.*

While we do not adhere to any rigid rule about the form of the brief when determining whether an appellant’s brief is deficient, we do “examine briefs for compliance with prescribed briefing rules, including rule of appellate procedure 38.1.” *Id.*; see also TEX. R. APP. P. 38.1. Here, appellant’s brief fails to comply with our briefing rules. Appellant’s brief does not

concisely state all issues presented for review. *See* TEX. R. APP. P. 38.1(f). Further, it does not contain a concise statement of the facts supported by record references. *See id.* at 38.1(g). The argument in appellant's brief does not contain appropriate citations to authorities and to the record, *see id.* at 38.1(i), and his brief does not contain a short conclusion that clearly states the nature of the relief sought, *see id.* at 38.1(j).

We provided appellant an opportunity to cure the defects in his briefing, including an extension of time in which to file an amended brief. However, appellant failed to file an amended brief complying with our briefing rules. Accordingly, because appellant's brief fails to comply with the rules of appellate procedure, and he did not file an amended brief complying with the rules of appellate procedure, we dismiss this appeal. *See* TEX. R. APP. P. 42.3(c).

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE

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

JUDGMENT

JOHN BRIGGS, Appellant

No. 05-15-00834-CV V.

WASHINGTON FEDERAL F/K/A
WASHINGTON FEDERAL SAVINGS,
Appellee

On Appeal from the 162nd Judicial District
Court, Dallas County, Texas,

Trial Court Cause No. DC-14-08367.

Opinion delivered by Justice Fillmore,
Justices Francis and Schenck participating.

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

It is **ORDERED** that appellee Washington Federal f/k/a Washington Federal Savings recover its costs of this appeal from appellant John Briggs.

Judgment entered this 20th day of June, 2016.