

Dismissed and Opinion Filed August 30, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00792-CV

BASIL BROWN, Appellant
V.
AVIS BUDGET GROUP, INC., CORY KENNEDY, AND PATRICIA JACKSON,
Appellees

On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-03915

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Francis, and Justice Stoddart
Opinion by Chief Justice Wright

Before the Court is appellee Patricia Jackson's motion to dismiss this appeal on the ground appellant, who has been declared a vexatious litigant, has failed to obtain permission to file the appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. §§ 11.102 (a), 11.1035(b) (West 2017). Appellant, appearing pro se, filed this appeal from the trial court's summary judgment dismissing his claims against appellee. Although he is subject to a pre-filing order requiring him to obtain permission before filing new litigation, appellant filed the appeal without the required permission. *See id.* § 11.102(a); *see also id.* § 11.001(2) (defining "litigation" as "a civil action commenced, maintained, or pending in any state or federal court.").

By letter dated August 10, 2017, we cautioned appellant that we would dismiss this appeal without further notice unless he filed, no later than August 21, 2017, an order signed by

the local administrative judge giving him permission to file this appeal. *See id.* § 11.1035(b). As noted by appellee in her motion, the local administrative judge denied permission by order signed August 20, 2017. Accordingly, we grant appellee's motion and dismiss the appeal. *See id.*

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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**Court of Appeals
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JUDGMENT

BASIL BROWN, Appellant

No. 05-17-00792-CV V.

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KENNEDY, AND PATRICIA JACKSON,
Appellees

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Court, Dallas County, Texas

Trial Court Cause No. DC-16-03915.

Opinion delivered by Chief Justice Wright.

Justices Francis and Stoddart participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered August 30, 2017.