

DISMISS; and Opinion Filed July 23, 2018.



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

No. 05-17-00450-CV

JAMES T. CHAO, Appellant

V.

PLANO BUILDING STANDARD COMMISSION, CITY OF PLANO, TEXAS, Appellee

**On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-05450-2016**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Justice Brown

Pro se appellant appeals from the trial court's order granting appellee's plea to the jurisdiction. After numerous extensions, appellant filed his brief on March 15, 2018. In an order dated March 27, 2018, we informed appellant his brief was deficient. Specifically, the brief is deficient in that, among other things, (1) 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, (2) it does not concisely state all issues presented for review, (3) it does not contain a concise statement of facts supported by record references, (4) it does not contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, (5) the argument does not contain appropriate citations to authorities and to the record, and (6) it does not contain a short conclusion that clearly states the nature of the relief sought. *See* TEX. R. APP. P. 38.1 (d),

(f), (g), (h), (i), and (j). We ordered appellant to file, by April 16, 2018, an amended brief correcting the noted deficiencies and cautioned him that failure to comply may result in the appeal being dismissed without further notice. *See id.* 38.8(a)(1); 42.3(b), (c).

Since this Court's March 27 order, appellant has filed three motions to extend the time to file his amended brief. By order dated June 19, 2018, we granted appellant an extension and cautioned him that no further extension would be granted and that failure to comply may result in dismissal of the appeal without further notice. Appellant failed to comply. On July 16, 2018, he filed a motion for extension.

Although individuals have the right to represent themselves as pro se litigants in civil cases, they are required to follow the same rules of appellate procedure that licensed attorneys are required to follow. *See Bolling v. Farmers Branch Indep. Sch. Dist.*, 315 S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.). Appellate court judges are not responsible for “identifying possible trial court error” or favorable facts or law to support parties’ contentions. *Id.* Importantly, under rule 38.1(f), the court “must be able to discern what question[s] of law [it] will be answering.” *Id.* at 896. A brief fails if it does not articulate the issues to be answered by the court. *Id.* If a brief articulates the issues to be decided by the court, “then rule 38.1(i) calls for the brief to guide [the court] through the appellant’s argument with clear and understandable statements of the contentions being made.” *Id.* Under rule 38.1(i), appellant’s argument must make direct references to facts in the record and applicable legal authority. *Id.* A brief fails under rule 38.1(i) if the court must speculate or guess as to the contentions being made or if record references are not provided. *Id.*

Appellant’s brief consists basically of three sentences and a request for an extension to file the remaining sections “due to server cyberspace attacks” and an allegation that “one of the clerk’s certifications is a misrepresentation.” The brief is admittedly incomplete. It does not

contain any statement of facts supported by record references or any argument in support of the issues with citations to authorities and the record. Because appellant has not provided the Court with existing legal authority that can be applied to the facts of the case, the brief fails. *See Bolling*, 315 S.W.3d at 896.

Appellant has failed to comply with the briefing requirements of our appellate rules after having been given numerous opportunities to do so. Accordingly, we deny appellant's July 16 motion requesting an extension and dismiss the appeal. *See Tex. R. App. P 38.8(a)(1); 42.3(b), (c).*

/Ada Brown/

ADA BROWN
JUSTICE

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

JUDGMENT

JAMES T. CHAO, Appellant

No. 05-17-00450-CV V.

PLANO BUILDING STANDARD
COMMISSION, CITY OF PLANO,
TEXAS, Appellee

On Appeal from the 401st Judicial District
Court, Collin County, Texas

Trial Court Cause No. 401-05450-2016.

Opinion delivered by Justice Brown. Chief
Justice Wright and Justice Evans
participating.

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

Judgment entered this 23rd day of July, 2018.