

Dismissed and Opinion Filed June 11, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00675-CV

JEFFREY A. LIPSCOMB, Appellant
V.
CITY OF DALLAS, Appellee

On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-16-04599-E

MEMORANDUM OPINION

Before Justices Francis, Fillmore, and Whitehill
Opinion by Justice Francis

Jeffery A. Lipscomb appeals the dismissal of his case for lack of subject matter jurisdiction. He brings one issue that appears to assert he was improperly denied an opportunity to have the merits of his case presented at trial. We affirm the trial court's judgment.

Appellant is before this Court pro se. We liberally construe pro se pleadings and briefs. *Washington v. Bank of N.Y.*, 362 S.W.3d 853, 854 (Tex. App.–Dallas 2012, no pet.). However, we hold pro se litigants to the same standards as licensed attorneys and require them to comply with applicable laws and rules of procedure. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978); *Washington*, 362 S.W.3d at 854. To do otherwise would give a pro se litigant an unfair advantage over a litigant who is represented by counsel. *Shull v. United Parcel Serv.*, 4 S.W.3d 46, 53 (Tex. App.–San Antonio 1999, pet. denied).

Liberally construing appellant's petition, he appears to have asserted claims against the City of Dallas for false arrest and physical abuse by Dallas police officers. Appellant sought \$1 million in damages. The City filed a plea to the jurisdiction arguing appellant's claims were for intentional torts and there is no waiver of the City's governmental immunity for intentional torts. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 101.057(2) (West 2011) (waiver of immunity under Texas Tort Claims Act does not apply to assault, battery, false imprisonment, or any other intentional tort).

Appellant did not respond to the plea, but appeared at the hearing. At the hearing, appellant was permitted to address the City's plea at length. Although appellant's arguments were somewhat unfocused, his main complaint was that Dallas police officers denied him his freedom by arresting him without reason and taking him to the hospital. The trial judge questioned appellant about the nature of his claims and appellant confirmed he was accusing the officers of intentional acts. Following the hearing, the trial court granted the City's plea to the jurisdiction. Appellant filed a motion to reinstate, which was denied by the trial court. He then brought this appeal.

After filing his initial brief, we sent appellant a letter informing him that his brief failed to comply with most of the briefing requirements found in the Texas Rules of Appellate Procedure. We further informed him that failure to file a brief in compliance with the rules could result in dismissal of his appeal. In response, appellant filed a letter stating he was taking no further action "other than to inform appeals process that the trial was never ordered."

Even liberally construing appellant's original brief, he presents no cognizable argument showing trial court error. Appellant's stated issue on appeal appears to accuse the trial court and the attorney for the City of corruption and conspiracy to deny him a trial. Appellant's statement of the issue is:

Abuses and conspiracy of public official, with cover-up and bias. With tolerance yet consciousness of [City attorney] allegations statement instead of testimony in

court. Testimony would prove “fact” with logical deduction. Hearings instead of trial has delayed opportunity ← [City attorney]. Opportunity in court. Qualifications of court officials under logical reasoning are always questioned, but hard to challenge in delay. Favor is usually given to the culprit and corrupt.

But he presents no argument showing the trial court erred in granting the City’s plea to the jurisdiction. Appellant’s entire argument is “[r]easonable explanation as well as punitive damages from root-cause of previous public officials as well as possible ongoing abuses.” Appellant was not entitled to a trial on the merits of his claims unless the trial court had subject matter jurisdiction over his suit. *See RSL Funding, LLC v. Pippins*, 499 S.W.3d 423, 429 (Tex. 2016) (absent jurisdiction, a court cannot address the merits of a case). Because appellant has not shown the trial court erred in dismissing his case for want of jurisdiction, we resolve appellant’s sole issue against him.

We affirm the trial court’s judgment.

/Molly Francis/
MOLLY FRANCIS
JUSTICE

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

JUDGMENT

JEFFREY A. LIPSCOMB, Appellant

No. 05-17-00675-CV V.

CITY OF DALLAS, Appellee

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No. 5, Dallas County, Texas
Trial Court Cause No. CC-16-04599-E.
Opinion delivered by Justice Francis.
Justices Fillmore and Whitehill
participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered June 11, 2018.