

Dismissed and Opinion Filed May 3, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01323-CV

HERBERT HARRIS AND MERENTHIA HARRIS, Appellants
V.
SRP TRS SUB, LLC, Appellee

On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-17-04358-B

MEMORANDUM OPINION

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

Pro se appellants Herbert and Merenthia Harris appeal from the trial court's judgment in favor of appellee after a bench trial in a real property dispute. Appellant tendered their initial brief untimely on February 12, 2018. In an order dated March 7, 2018, we ordered the brief filed but notified appellants the brief failed to comply with the requirements of Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1. Specifically, the brief was deficient in that, among other things, it did not contain a clear and concise argument for the contentions made with appropriate citations to the record and authorities and the sections titled "statement of the case" and "statement of facts" did not include citations to the record. *See id.* 38.1(d), (g), (i). We ordered appellants to file an amended brief that complied with the requirements of appellate rule 38.1 no later than March 19th and cautioned appellants that failure to comply may result in the appeal being

dismissed without further notice. *See id.* 38.8(a)(1); 42.3(b),(c). On March 22nd, appellants filed a motion for an extension of time to file an amended brief. We granted the motion, extending the time to April 30th. We again cautioned appellants that failure to file an amended brief that complies with rule 38.1 of the rules of appellate procedure may result in dismissal of the appeal without further notice. Appellants filed an amended brief on April 27th.

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 if references to facts or legal authority “are not made or are inaccurate, misstated, or misleading.” *Id.*

In their amended brief, appellants raise three issues. The brief does not contain any argument in support of the issues. Moreover, the brief does not contain any citations to either the clerk’s record or the reporter’s record. Because appellants have 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.

Because appellants have failed to comply with the briefing requirements of our appellate rules after having been given the opportunity to do so, we dismiss the appeal. *See* Tex. R. App. P 42.3(c).

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

HERBERT HARRIS AND
MERENTHIA HARRIS, Appellants

No. 05-17-01323-CV V.

SRP TRS SUB, LLC, Appellee

On Appeal from the 44th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-17-04358-B.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

Judgment entered May 3, 2018.