

Affirmed and Opinion Filed November 19, 2021



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

No. 05-19-00048-CV

**ADRIAN BOOKER AND NICOLE SMITH, Appellants
V.
ANISSA MAHMOUDI, ET AL., Appellees**

**On Appeal from the County Court at Law No. 3
Collin County, Texas
Trial Court Cause No. 003-01795-2018**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Smith
Opinion by Justice Molberg

Appellants Adrian Booker and Nicole Smith appeal the trial court's final judgment for appellee Anissa Mahmoudi. Appellants leased appellee's house according to the terms of a lease agreement. When appellants violated one of the agreement's terms, appellee filed a petition for forcible detainer. The justice court entered judgment for appellee, and appellants appealed to the county court, where they again lost.

On appeal, appellants raise numerous issues. In the argument section of appellants' brief, they appear to argue that the trial court erred by denying their plea to the jurisdiction; that their motion to recuse the trial judge should have been

granted; that the trial court erred by granting a joinder; that the trial court erred by failing to dismiss the case; that “standing was not maintained” throughout the pendency of the case; that appellee failed to attach an affidavit to her amended complaint, thus “divest[ing] the trial court of jurisdiction”; and that the trial court no longer had subject matter jurisdiction after appellants were evicted. After reviewing the briefs in this case, we conclude appellants’ issues are inadequately briefed and are therefore waived. We affirm the trial court’s judgment.

While we liberally construe pro se pleadings and briefs, we nevertheless hold pro se litigants to the same standards as licensed attorneys and require them to comply with applicable laws and rules of procedure. *Washington v. Bank of New York*, 362 S.W.3d 853, 854 (Tex. App.—Dallas 2012, no pet.). To present an issue to this Court, a party’s brief must contain, among other things, “a concise, nonargumentative statement of the facts of the case, supported by record references, and a clear and concise argument for the contention made with appropriate citations to authorities and the record.” *Id.* Though “we do not require rigid adherence regarding the form of a brief, we examine briefs closely for compliance with rules that govern the content of appellate briefs.” *Hammonds v. Dallas Cty.*, No. 05-18-01433-CV, 2020 WL 948383, at *2 (Tex. App.—Dallas Feb. 27, 2020, no pet.) (mem. op.). When a party fails to adequately brief a complaint, it waives the issue on appeal. *Devine v. Dallas Cty.*, 130 S.W.3d 512, 514 (Tex. App.—Dallas 2004, no pet.).

Appellants filed their first brief on March 17, 2020. A week later, the Clerk of this Court notified appellants that their brief did not satisfy the requirements of rule 38 of the Texas Rules of Appellate Procedure. Specifically, appellants were notified that the brief did not contain (1) an index of authorities, (2) a concise statement of facts supported by record references, (3) appropriate citations to the record, or (4) an appendix that included the trial court’s judgment and the text of any contract or other document central to the argument. The Clerk requested appellants to file an amended brief compliant with the rules of appellate procedure.

Appellants subsequently filed an amended brief, but it too is non-compliant with the rules. It contains neither a statement of facts supported by record references nor any citations to the record in its argument. The statement of the case contains the only record citations in the entire brief, yet these citations are inaccurate and do not direct us to the places in the record they purport to. Though the brief contains what appears to be a table of contents for an appendix, it does not include the appendix itself: a copy of the trial court’s judgment or other appealable orders. Appellants’ brief therefore does not comport with rule 38.1 of the rules of appellate procedure. *See* TEX. R. APP. P. 38.1(g) (appellant’s brief must include a statement of facts “supported by record references”), 38.1(i) (appellant’s brief “must contain a clear and concise argument for the contentions made, with appropriate citations to . . . the record”), 38.1(k)(1) (“the appendix must contain a copy of . . . the trial court’s judgment or other appealable order from which relief is sought”). These deficiencies

are not negligible matters of form but instead run afoul of “rules that govern the content of appellate briefs.” *See Hammonds*, 2020 WL 948383, at *2.

Having failed to comply with the rules of appellate procedure, we conclude appellants’ brief presents nothing for our review. *See Melton v. LegacyTexas Bank*, No. 05-11-01048-CV, 2012 WL 1378490, at *1 (Tex. App.—Dallas Apr. 18, 2012, no pet.) (mem. op.) (concluding appellant’s issue was inadequately briefed and thus waived when his brief “fail[ed] to provide record citations in the argument section”). We overrule their appellate issues and affirm the trial court’s judgment.

/Ken Molberg/

KEN MOLBERG
JUSTICE

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

JUDGMENT

ADRIAN BOOKER AND NICOLE
SMITH, Appellant

No. 05-19-00048-CV V.

ANISSA MAHMOUDI, ET AL.,
Appellee

On Appeal from the County Court at
Law No. 3, Collin County, Texas
Trial Court Cause No. 003-01795-
2018.

Opinion delivered by Justice
Molberg. Justices Goldstein and
Smith 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 this 19th day of November, 2021.