

Opinion issued September 8, 2016



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-15-00570-CV

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**RITA LEMONS, Appellant**

**V.**

**BETTY J. GARMOND, MAMIE BRIGHT, JUSTIN THOMAS, AND  
JACQUELINE R. WOODARD, Appellees**

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**On Appeal from the 240th District Court  
Fort Bend County, Texas  
Trial Court Case No. 14-DCV-213789**

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**MEMORANDUM OPINION**

Proceeding pro se, appellant, Rita Lemons, timely filed a notice of appeal from the trial court's final "Order Granting Defendant's Motion to Dismiss Baseless Causes of Action and Motion for No-Evidence Summary Judgment." We dismiss the appeal.

Appellant submitted a brief to this Court before the appellate record was complete. *See* TEX. R. APP. P. 34.1 (appellate record consists of clerk’s record and, if necessary to appeal, reporter’s record), 38.6(a) (appellant must file brief within thirty days after later of date clerk’s record or reporter’s record was filed). We notified appellant that her brief had been received and did not comply with the requirements of Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1 (setting out requisites for appellant’s brief). The “appellate rules have specific requirements for briefing that require, among other things, that an appellant provide a statement of facts, which includes references to the record, and an argument that is clear and concise with appropriate citations to authorities and the record.” *Holz v. U. S. of Am. Corp.*, No. 05-13-01241-CV, 2014 WL 6555024, at \*1 (Tex. App.—Dallas Oct. 23, 2014, no pet.) (mem. op.). And although we construe an appellate brief liberally, a party proceeding pro se must comply with all applicable procedural rules. *Green v. Midland Mortg. Co.*, 342 S.W.3d 686, 692 n.7 (Tex. App.—Houston [14th Dist.] 2011, no pet.) (citing *Harris v. Showcase Chevrolet*, 231 S.W.3d 559, 561 (Tex. App.—Dallas 2007, no pet.)). Accordingly, we ordered appellant to file an amended brief in compliance with the applicable Texas Rules of Appellate Procedure, including rule 38.1.

Appellant filed an amended brief. However, on July 7, 2016, the Clerk of this Court notified her that the amended brief did not comply with the requirements of

rule 38.1 and the Court might dismiss her appeal unless she filed an amended brief in compliance with the rule by July 28, 2016. *See* TEX. R. APP. P. 38.1, 38.9(a), 42.3(b); *Hargest-Davis v. Crescent M & P, LLC*, No. 01-15-00328-CV, 2016 WL 1714522, at \*1 (Tex. App.—Houston [1st Dist.] Apr. 28, 2016, no pet.) (mem. op.); *see also Briggs v. Washington Fed.*, No. 05-15-00834-CV, 2016 WL 3398394, at \*2 (Tex. App.—Dallas June 20, 2016, no pet. h.) (mem. op.) (dismissing appeal when appellant’s initial brief did not comply with rules of appellate procedure and he failed to file amended brief in compliance with rules). Appellant has failed to file an amended brief or otherwise respond.

Accordingly, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), 43.2(f). We dismiss all pending motions as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Keyes, and Brown.