

Appeal Dismissed and Memorandum Opinion filed September 7, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00357-CV

EDWARD R. NEWSOME, Appellant

V.

WILLIAM PAUL MEWIS, Appellee

**On Appeal from the 151st District Court
Harris County, Texas
Trial Court Cause No. 2012-24410**

M E M O R A N D U M O P I N I O N

This is an appeal from an order signed February 8, 2017 finding appellant a vexatious litigant. Appellant's brief was originally due May 28, 2017. *See* Tex. R. App. P. 38.6(a). No brief or motion for extension of time was filed. Accordingly on June 15, 2017, this court ordered that unless appellant submitted his brief, to the clerk of this court on or before June 30, 2017, the court would dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

On June 26, 2017, appellant tendered a brief that did not comply with the Texas Rules of Appellate Procedure. Specifically, among other deficiencies, appellant never addressed the issue in this appeal, which is whether appellant is a frivolous litigant. The brief was stricken and appellant was ordered to file a brief, on or before August 10, 2017, that complied with the Texas Rules of Appellate Procedure. *See* Tex. R. App. P. 9.4(k). On July 26, 2017, appellant filed an amended brief that also fails to comply with the briefing requirements set forth in Texas Rule of Appellate Procedure 38.1. Most significantly, appellant has failed to make any legal arguments to support reversal of the trial court’s order. Tex. R. App. P. 38.1(i).

Appellant does not address the issue in this appeal, which is whether appellant is a frivolous litigant, and provides no legal reason to set aside the order entered by the trial court. Appellant’s amended brief contains no citation of any legal authority related to the issue on appeal and presents nothing for the court to review. *See Richard v. Cornerstone Constructors, Inc.*, 921 S.W.2d 465, 469 (Tex. App.—Houston [1st Dist.] 1996, writ denied). Pro se litigants are held to the same standards as licensed attorneys, and they must therefore comply with all applicable rules of procedure. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184-85 (Tex. 1978) (holding that litigants who represent themselves must comply with procedures established by rules notwithstanding fact that they are not licensed attorneys); *Sedillo v. Campbell*, 5 S.W.3d 824, 829 (Tex. App.—Houston [14th Dist.] 1999, no pet.); *Kanow v. Brownshadel*, 691 S.W.2d 804, 806 (Tex. App.—Houston [1st Dist.] 1985, no writ).

If a party files a brief that does not comply with the rules, and that party files an amended brief that likewise does not comply with the rules, as here, “the court may strike the brief, prohibit the party from filing another, and proceed as if the party had failed to file a brief.” Tex. R. App. P. 38.9(a). Where a party fails to file a brief,

Rule 38.8 allows the appellate court to dismiss the appeal for want of prosecution. Tex. R. App. P. 38.8(a)(1); *Harkins v. Dever Nursing Home*, 999 S.W.2d 571, 573 (Tex. App.—Houston [14th Dist.] 1999, no pet.).

Accordingly, we strike appellant's non-conforming brief, prohibit appellant from filing another, and proceed as if appellant had failed to file a brief. *See* Tex. R. App. P. 38.9(a). We further order the appeal dismissed. *See* Tex. R. App. P. 38.8(a).

PER CURIAM

Panel consists of Justices Christopher, Brown, and Jewell.