

Dismissed and Memorandum Opinion filed November 7, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00430-CV

DON MCCAFFETY, Appellant

V.

JOE PINON, Appellee

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 1083475**

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

On August 8, 2017, appellant Don McCaffety tendered a brief that did not comply with the Texas Rules of Appellate Procedure. This court struck the brief and returned it to appellant for correction. *See* Tex. R. App. P. 9.4(i) (permitting court to return nonconforming documents for correction). On October 25, 2017, appellant submitted another nonconforming brief. Appellant's amended brief is virtually identical to the stricken brief with the exception of the deletion of "counts" raised

by appellant. Like appellant's original brief, appellant's amended brief 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 judgment, and the brief contains no citations to the record. Tex. R. App. P. 38.1(h).

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 in this case, "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). Although we liberally construe briefs, appellant has not substantially complied with the briefing rules. *See Harkins v. Dever Nursing Home*, 999 S.W.2d 571, 573 (Tex. App.—Houston [14th Dist.] 1999, no pet.) (citing Tex. R. App. P. 38.9)).

Because appellant has not filed an amended brief in compliance with Rule 38, we proceed as if appellant has failed to file a brief. *See* Tex. R. App. P. 38.9. Under these circumstances, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1); *Harkins*, 999 S.W.2d at 573.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Jewell.