

**Appeal Dismissed and Memorandum Majority and Concurring Opinions filed
September 15, 2022.**



**In The
Fourteenth Court of Appeals**

NO. 14-22-00173-CV

JAMES KEVIN KEEL, Appellant

V.

MACK HOWARD MINSHEW, Appellee

**On Appeal from County Court at Law No. 4 and Probate Court
Brazoria County, Texas
Trial Court Cause No. CI63714**

MAJORITY MEMORANDUM OPINION

This is an appeal from a judgment signed March 7, 2022. On July 1, 2022, appellant tendered a brief that did not comply with the Texas Rules of Appellate Procedure. On August 16, 2022, this court struck the brief and ordered appellant to file a brief that complies with Texas Rule of Appellate Procedure 38.1. Appellant was informed the appeal would be subject to dismissal without further notice for want of prosecution if another brief that does not comply with Rule 38.1 was filed. See Tex. R. App. P. 38.1, 38.8(a)(1); 42.3(b).

Appellant filed another brief on August 29, 2022. The 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 or to legal authorities. Tex. R. App. P. 38.1(i).

Pro se litigants are held to the same standards as lawyers, 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 lawyers); *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). When 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 and order the appeal dismissed.

/s/ Randy Wilson
Justice

Panel consists of Justices Spain, Poissant, and Wilson (Spain, J. concurring).