



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00591-CV

Scott **HARRISON**,
Appellant

v.

OAKS OF BANDERA,
Appellee

From the County Court, Bandera County, Texas
Trial Court No. 17-0076
Honorable Richard A. Evans, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: November 29, 2017

DISMISSED FOR WANT OF PROSECUTION

This appeal arises from the eviction judgment rendered against Appellant Scott Harrison. Because Appellant failed to file a brief that complies with the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution.

After Appellant filed his pro se brief, Appellee Oaks of Bandera moved to strike Appellant's brief, and we granted the motion because Appellant's brief did not comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 38.1. Specifically, the brief did not include compliant versions of the following:

- Identity of Parties and Counsel,
- Statement of Facts,
- Summary of the Argument,
- Argument,
- Prayer, or
- Appendix.

See id. Appellant’s brief had these additional defects:

- No part of the brief contained any citations to the record. *See id.* R. 38.1(g) (“The statement [of facts] must be supported by record references.”); *id.* R. 38.1(i) (“The brief must contain . . . appropriate citations . . . to the record.”).
- The brief consisted primarily of concatenated fragments of parties’ names, case names, and other information that did not form complete sentences, and these concatenations failed to present any legal arguments. *See id.* (“The brief must contain a clear and concise argument for the contentions made . . .”).
- The brief listed a number of authorities but failed to explain how the authority is relevant to Appellant’s complaints. *See id.* (requiring “appropriate citations to authorities”).
- The brief did not comply with the form requirements of Rule 9.4. *See id.* R. 9.4.

We concluded that the formal defects described above constituted flagrant violations of Rule 38.

See id. R. 38.9(a).

On November 1, 2017, we struck Appellant’s brief and ordered Appellant to file an amended brief not later than November 13, 2017, that complied with our order and the Texas Rules of Appellate Procedure. *See, e.g., id.* R. 9.4, 9.5, 38.1. We warned Appellant that if the amended brief did not comply with our order, we could “strike the brief, prohibit [Appellant] from filing another, and proceed as if [Appellant] had failed to file a brief.” *See id.* R. 38.9(a); *see also id.* R. 38.8(a) (authorizing this court to dismiss an appeal if an appellant fails to timely file a brief). Thereafter, Appellee moved this court to dismiss this appeal. To date, Appellant has not filed any response to our November 1, 2017 order.

Therefore, Appellee’s motion to dismiss this appeal is granted; we dismiss this appeal for want of prosecution. *See TEX. R. APP. P.* 9.4, 38.8(a)(1), 38.9(a), 42.3(b),(c).

PER CURIAM