



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00022-CV

FRANK JOHNSON, JR., Appellant

v.

DREW DYKES, Appellee

On Appeal from County Court at Law No. 1
Tarrant County, Texas
Trial Court No. 2021 -006675-1

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

After receiving pro se Appellant's brief on June 17, 2022, we notified Appellant that his brief did not comply with Texas Appellate Rules of Procedure 38.1(a), (b), (c), (d), (f), (g), (h), (i), (j), and (k); 9.4(i); and local rule 1.A. *See* Tex. R. App. P. 9.4(1), 38.1(a)–(d) and (f)–(k); 2nd Tex. App. (Fort Worth) Loc. R. 1.A. We also informed Appellant that his failure to file a compliant amended brief by July 18, 2022, could result in the waiver of noncompliant points, the striking of his brief, and the dismissal of his appeal. *See* Tex. R. App. P. 38.8(a), 38.9(a), 42.3.

On August 11, 2022, having received no amended brief, we notified Appellant that his appeal might be dismissed for want of prosecution unless he or any party desiring to continue the appeal filed with the court, on or before August 22, 2022, the requested amended brief along with a motion reasonably explaining the failure to timely file the brief and the need for an extension. *See* Tex. R. App. P. 42.3(b). On August 22, 2022, Appellant filed a motion for extension of time to file his amended brief, but this motion was also noncompliant because it failed to include a certificate of conference and a certificate of service. *See* Tex. R. App. P. 9.5, 10.1(a)(5). We notified Appellant of this noncompliance and warned him that, unless he filed the requisite certificates by September 6, 2022, his motion might be denied or returned unfiled. Appellant never filed the requisite certificates or an amended brief.

“We liberally construe pro se briefs, but to ensure fairness in our treatment of all litigants, we hold pro se litigants to the same standards as licensed attorneys and

require pro se litigants to follow the applicable laws and rules of procedure.” *Branch v. Fannie Mae*, No. 02-11-00355-CV, 2012 WL 3030525, at *1 (Tex. App.—Fort Worth July 26, 2012, no pet.); see *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978). Because Appellant has not followed the applicable laws and rules of procedure, we strike Appellant’s brief and dismiss this appeal for want of prosecution. See Tex. R. App. P. 38.8(a), 38.9(a), 42.3.

/s/ Brian Walker

Brian Walker
Justice

Delivered: October 13, 2022