



NUMBER 13-17-00267-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JOHN ALEX LONGORIA,

Appellant,

v.

ALMA LOPEZ,

Appellee.

On appeal from 117th District Court
of Nueces County, Texas.

MEMORANDUM OPINION

Before Justices Rodriguez, Benavides, and Longoria
Memorandum Opinion by Justice Rodriguez

Appellant, John Alex Longoria, proceeding pro se, appeals an order of the trial court rendered on April 18, 2017. On August 22, 2017, appellant filed a brief that was not in compliance with the Texas Rules of Appellate Procedure. The brief was in letter form and failed generally to comply with the Texas Rule of Appellate Procedure 9.5(e) and 38.1. See TEX. R. APP. P. 9.5(e), 38.1. Appellant was informed that the brief failed

to comply with Texas Rule of Appellate Procedure 9.5(e) and 38.1 and instructed to file an amended brief within ten days.

On September 5, 2017, appellant requested an extension of time until October 5, 2017 to file an amended brief which was granted by the Court. On October 16, 2017, the Clerk of the Court notified appellant that that an amended brief had not been filed and the brief received by the Court failed generally to comply with Rule 9.5(e) and 38.1 as required by Texas Rules of Appellate Procedure. Appellant was directed to file an amended brief in compliance with the Texas Rules of Appellate Procedure within ten days of the date of the letter, and notified that if the Court received another brief that did not comply, the Court shall dismiss the appeal. See *id.* 38.9(a), 42.3(b),(c). Appellant failed to respond to the Court's notice.

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). If a party files a brief that does not comply with the Texas Rules of Appellate Procedure, and that party files an amended brief that likewise does not comply with the rules, “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). Pursuant to Texas Rule of Appellate Procedure 38.8(a), where an appellant has failed to file a brief, the appellate court may dismiss the appeal for want of prosecution.

Appellant's brief fails to comply with Texas Rule of Appellate Procedure 38.1 concerning the substantive requirements for an appellant's brief. Specifically, the brief, in letter format, accompanied with various attachments, fails to include any indicia of an

appellate brief as described by the rules: the document does not state concisely all issues or points presented for review; does not state concisely and without argument the facts pertinent to the issues or points presented as required by Rule 38.1(d); does not contain a clear and concise argument for the contentions made, with appropriate citations to the authorities and to the record; and does not contain an appendix as required by Rule 38.1(j). Additionally, the brief does not contain a certificate of service as required by Rule 9.5(e).

Accordingly, we strike appellant's non-conforming brief and order the appeal DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 38.9(a), 42.3(b)(c).

NELDA V. RODRIGUEZ
Justice

Delivered and filed the 7th
day of December, 2017.