



NUMBER 13-21-00267-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

SONIA BEARD WHITAKER,

Appellant,

v.

HAZEL GUILLEN,

Appellee.

**On appeal from the County Court
of Matagorda County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Tijerina
Memorandum Opinion by Justice Tijerina**

This matter is before the Court on its own motion. On August 24, 2021, appellant attempted to file a premature brief which failed to comply with Rules 9.4 (c, d, h), 9.4(i)(3), 9.9, and 38.1(b, c, d, g, and i), as required by Texas Rules of Appellate Procedure. On January 25, 2022, the Clerk of the Court notified appellant of the formal and substantive defects in her brief and requested an amended brief within thirty days from the date of the

notice. Pursuant to TEX. R. APP. P. 42.3, on March 2, 2022, the Clerk of Court sent notice to appellant of the brief's non-compliance and provided an additional notice that if after ten days the defects were not cured, the appeal shall be dismissed.

If a party files a brief that does not comply with the Texas Rules of Appellate Procedure, 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. Additionally, an appellate court may dismiss a cause on any party's motion for want of prosecution or for failing to comply with the rule or notice from the clerk requiring a response or action. Tex. R. App. P. 42.3(b), (c). Furthermore, 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).

Accordingly, we strike appellant's non-conforming brief and order the appeal dismissed for want of prosecution. See Tex. R. App. P. 42.3(b)(c).

JAIME TIJERINA
Justice

Delivered and filed on the
5th day of May, 2022.