

Affirmed and Opinion Filed July 14, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-18-00817-CV

DAYDRICK NORRIS, Appellant

V.

TRANS AM SFE II LLC, Appellee

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-18-02790-D**

MEMORANDUM OPINION

Before Justices Schenck, Molberg, and Nowell
Opinion by Justice Molberg

In this pro se appeal, appellant Daydrick Norris appeals the trial court's judgment of July 13, 2018, awarding appellee court costs and possession of the property located at 700 Camellia Court, DeSoto, Texas. We affirm the trial court's judgment.

Background

The underlying case involves a forcible entry and detainer action filed on April 12, 2018. After the justice of the peace heard the matter and awarded

possession of the property to appellee, Norris appealed to the county court at law, which entered the judgment that is the subject of this appeal.

We have issued several orders in this appeal, including several that granted Norris briefing extensions. We also ordered the case to be submitted without the reporter's record after Norris twice failed to file a written confirmation that he had requested the record.

Norris's brief was originally due on January 22, 2019. We granted him two requested extensions allowing him until March 27, 2019, to file a brief.

Norris did not comply, but on April 1, 2019, he filed a document entitled "File this Writ of Mandamus," a sixty-one page document, consisting of thirty pages of text that appears to have been prepared by Norris, and thirty-one pages of other documents that are not otherwise included in the clerk's record before us. On April 8, 2019, we notified Norris that his filing was deficient in many respects, including but not limited to deficiencies under Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1(b)–(d), (g)–(i). We ordered Norris to file a corrected brief within ten days, and we notified him that a failure to file a corrected brief within that time frame could result in dismissal of his appeal without any other notice.

In response, Norris filed three additional motions for extensions of time, the first two of which we granted, and the third of which we denied as moot. Based on the two additional extensions we granted, Norris ultimately had until July 22, 2019, to file an amended brief. Because he failed to do so, we entered an order on August

1, 2019, ordering that his appeal be submitted based on his April 1, 2019 brief and ordering appellee to file a response brief within thirty days. Norris filed another motion for extension on August 2, 2019, and we denied it as moot per the prior order.

On October 29, 2019, Norris filed another document also entitled “File this Writ of Mandamus,” which consisted of thirty-four pages, twenty-nine of which appear to be information Norris prepared, and five of which appear to be other documents not otherwise included in the clerk’s record before us. Norris’s filing did not correct any of the previous deficiencies we noted in our April 8, 2019 notice.

On February 26, 2020, we notified the parties we would submit the case to this panel without oral argument on April 28, 2020.

In both of Norris’s “File this Writ of Mandamus” filings in our Court, the majority of the information Norris includes consists of language similar to what might be included in a petition, devoid of citations to the record, legal authorities, or analysis.

Analysis

Pro se litigants are held to the same standards as attorneys and must comply with all applicable and mandatory rules of pleading and procedure. *Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005); *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978); *see Amrhein v. Bollinger*, 593 S.W.3d 398, 401 (Tex. App.—Dallas 2019, pet. denied); *Strange v. Continental Cas. Co.*, 126 S.W.3d 676, 677 (Tex. App.—Dallas 2004, pet. denied). Applying different rules to pro se

litigants would unfairly advantage them over litigants represented by counsel. *Mansfield*, 573 S.W.2d at 185. Issues on appeal unsupported by argument or citation to any legal authority present nothing for our review. *Strange*, 126 S.W.3d at 678. We have no duty to independently review the record and applicable law to decide whether the error complained of occurred. *Id.*; see *Amrhein*, 593 S.W.3d at 401. Thus, on appeal, Norris must properly present his case according to the rules of appellate procedure. *Amrhein*, 593 S.W.3d at 401.

The rules of appellate procedure control the required contents and organization for an appellant's brief. See TEX. R. APP. P. 38.1. Among other things, an appellant must include a table of contents indicating the subject matter of each issue or point, an index of authorities arranged alphabetically and indicating the pages of the brief where authorities are cited, a concise statement of the case, course of proceedings, and the trial court's disposition with record references, a concise statement of facts with record references, a succinct, clear, and accurate statement of the arguments made in the brief, citations to authorities, and citations to the record. See TEX. R. APP. P. 38.1(b)–(d), (g)–(i).

Norris's brief does none of these things, and although we gave him several opportunities to correct the deficiencies, he failed to do so. See TEX. R. APP. P. 44.3. Because his issues are inadequately briefed, his issues are waived on appeal and present nothing for our review. See *Amrhein*, 593 S.W.3d at 402; *Cruz v. Deutsche Bank Nat'l Trust*, No. 05-14-01358-CV, 2016 WL 6087680, *3 (Tex. App.—Dallas

Oct. 18, 2016, no pet.) (mem. op.); *Balistreri-Amrhein v. AHI*, No. 05-09-01377-CV, 2012 WL 3100775, *1 (Tex. App.—Dallas July 31, 2012, pet. denied) (mem. op.); *Devine v. Dallas County*, 130 S.W.3d 512, 513–14 (Tex. App.—Dallas 2004, no pet.); *Strange*, 126 S.W.3d at 678.

Conclusion

We overrule Norris’s issues and affirm the trial court’s judgment.

/Ken Molberg/

KEN MOLBERG
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DAYDRICK NORRIS, Appellant

No. 05-18-00817-CV V.

TRANS AM SFE II LLC, Appellee

On Appeal from the County Court at
Law No. 4, Dallas County, Texas
Trial Court Cause No. CC-18-02790-
D.

Opinion delivered by Justice
Molberg. Justices Schenck and
Nowell participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that appellee TRANS AM SFE II LLC recover its costs of this appeal from appellant DAYDRICK NORRIS.

Judgment entered this 14th day of July, 2020.