

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

William Berry Waters III v. Oaks at Round Rock, LLC

No. 03-24-00721-CV (Tex. App.—Austin Apr. 10, 2026) (mem. op.) · No. 03-24-00721-CV · Decided April 10, 2026

SUMMARY

The Texas Court of Appeals, Third District, dismissed the appeal for want of prosecution because the pro se appellant failed to file an amended notice of appeal bearing his own signature. The court held that a notice of appeal filed on the appellant’s behalf by a non-lawyer was ineffective and dismissed the case under Texas Rule of Appellate Procedure 42.3(c).

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Maggie Ellis, Justice; Chief Justice Byrne; Justice Crump; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	April 10, 2026
DOCKET	03-24-00721-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court of appeals acted on its own motion to determine whether the notice of appeal was effective because it had been filed by a non-lawyer on behalf of the pro se appellant. After notifying the appellant and allowing an opportunity to file an amended notice of appeal bearing his signature, the court dismissed the appeal for failure to comply.
PRECEDENTIAL VALUE	published
PARTIES	William Berry Waters III v. Oaks at Round Rock, LLC

TOPICS

- appellate procedure
- civil procedure
- preservation of error

PRACTICE AREAS

- appellate procedure
- civil procedure
- unauthorized practice of law

QUESTIONS PRESENTED

1. Whether a notice of appeal filed by a non-lawyer on behalf of a pro se appellant is effective.
2. Whether the appeal should be dismissed when the appellant fails to comply with the clerk's notice and the requirement that an unrepresented party sign documents filed by that party.

HOLDINGS

1. A non-lawyer may not represent another party or prepare and file appellate documents on that party's behalf; a notice of appeal filed by a non-attorney in a representative capacity is ineffective.
2. The court may dismiss an appeal when the appellant fails to comply with the appellate rules, a court order, or a notice from the clerk, and dismissal was warranted because Waters did not file the required amended notice of appeal.

KEY QUOTATIONS

“Therefore, “a notice of appeal filed by a non-attorney in a representative capacity is ineffective.”” (slip op. at 2)

“Because Waters has failed to amend his notice of appeal in response to the Clerk’s notices, we dismiss this appeal pursuant to Rule 42.3(c).” (slip op. at 2)

FACTUAL BACKGROUND

Waters was proceeding pro se in an appeal from the Williamson County County Court at Law No. 5. A non-lawyer, Neneki S. Kidd, filed the notice of appeal for him, and Waters did not sign it. After the appellate clerk twice notified Waters that he needed to file a signed amended notice of appeal, he failed to do so.

PROCEDURAL HISTORY

Neneki S. Kidd, a non-lawyer, filed a notice of appeal on October 31, 2024, on behalf of pro se appellant William Berry Waters III. The court clerk notified Waters that he had not signed the notice of appeal and directed him to file an amended notice. Waters did not file the amended notice despite a second warning that failure to do so could result in dismissal. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(c).

DISPOSITION

dismissed

CASES CITED

- Jimison v. Mann, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, order) (per curiam)
- In re Guetersloh, 326 S.W.3d 737, 740 (Tex. App.—Amarillo 2010, orig. proceeding) (per curiam)
- In re A.H., No. 02-21-00402-CV, 2022 WL 1682422, at *3 n.6 (Tex. App.—Fort Worth May 26, 2022, no pet.) (mem. op.)

- Salmeron v. Atascocita Forest Cmty. Ass'n, No. 01-20-00616-CV, 2021 WL 3159675, at *1 (Tex. App.—Houston [1st Dist.] July 27, 2021, no pet.) (mem. op.)
- Trust v. Jellison, Nos. 03-19-00590-CV, 03-20-00048-CV, 2021 WL 1725949, at *3 (Tex. App.—Austin Apr. 30, 2021, no pet.) (mem. op.)

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