

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Dominique Cunningham v. Harris County Justice of the Peace Honorable Judge Steve Duple

No. 01-25-00350-CV · No. No. 01-25-00350-CV · Decided April 7, 2026

SUMMARY

The Texas First Court of Appeals dismissed Dominique Cunningham’s pro se appeal after striking her corrected appellant’s brief for failing to comply with multiple Texas Rules of Appellate Procedure requirements. The court dismissed the appeal for want of prosecution and dismissed pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 7, 2026
DOCKET	No. 01-25-00350-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Cunningham appealed the trial court's dismissal of her suit for lack of jurisdiction. After the court of appeals struck her initial and amended briefs and allowed her an opportunity to file a corrected brief, it struck the corrected brief for continued noncompliance with the Texas Rules of Appellate Procedure and dismissed the appeal.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; precedential value not established in the provided text.
PARTIES	Dominique Cunningham v. Harris County Justice of the Peace Honorable Judge Steve Duple

TOPICS

[appellate procedure](#) [civil procedure](#) [sanctions](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the court of appeals could strike Cunningham's corrected appellant's brief because it failed to comply with the Texas Rules of Appellate Procedure.
2. Whether the court of appeals could dismiss the appeal for want of prosecution after striking the noncompliant corrected brief.

HOLDINGS

1. A pro se litigant is held to the same procedural standard as a licensed attorney and must comply with the Texas Rules of Appellate Procedure.
2. When an appellant files a noncompliant brief and then files a corrected or amended brief that also fails to comply with the appellate rules, the court may strike the corrected brief, prohibit another brief, and proceed as though the appellant failed to file a brief.
3. The court may dismiss an appeal for want of prosecution when, after the appellant's noncompliant corrected brief is stricken, the appellant is treated as having failed to file an appellant's brief.

KEY QUOTATIONS

“An appellate brief is meant to acquaint the court with the issues in a case and to present argument that will enable the court to decide the case.” (at 4)

“Accordingly, we strike Cunningham’s March 16, 2026 corrected appellant’s brief, and we dismiss the appeal.” (at 8)

FACTUAL BACKGROUND

Cunningham, proceeding pro se, challenged a trial-court order dismissing her suit against a Harris County justice of the peace for lack of jurisdiction. Her original, amended, and corrected appellate briefs failed to comply with multiple requirements governing the contents, organization, factual presentation, issues, argument, citations, and appendix. After receiving notice of the deficiencies and an opportunity to file a compliant corrected brief, Cunningham submitted a brief that continued to violate the appellate rules.

PROCEDURAL HISTORY

Cunningham filed suit in the County Civil Court at Law No. 3 of Harris County, Texas. The trial court dismissed the suit for lack of jurisdiction. On appeal, Cunningham filed multiple briefs that failed to comply with the appellate briefing rules. The court of appeals gave her an opportunity to correct the deficiencies, but her corrected brief remained noncompliant, so the court struck it and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Gardner v. Gardner, No. 04-17-00414-CV, 2018 WL 521615, at *1 n.1 (Tex. App.—San Antonio Jan. 24, 2018, pet. denied) (mem. op.)
- Tucker v. Fort Worth & W. R.R. Co., No. 02-19-00221-CV, 2020 WL 3969586, at *1 (Tex. App.—Fort Worth June 18, 2020, pet. denied) (mem. op.)
- Tyurin v. Hirsch & Westheimer, P.C., No. 01-17-00014-CV, 2017 WL 4682191, at *1–2 (Tex. App.—Houston [1st Dist.] Oct. 19, 2017, no pet.) (mem. op.)
- Schied v. Merritt, No. 01-15-00466-CV, 2016 WL 3751619, at *2 (Tex. App.—Houston [1st Dist.] July 12, 2016, no pet.) (mem. op.)
- Lemons v. Garmond, No. 01-15-00570-CV, 2016 WL 4701443, at *1 (Tex. App.—Houston [1st Dist.] Sept. 8, 2016, pet. denied) (mem. op.)
- Irisson v. Lone Star Nat’l Bank, No. 13-19-00239-CV, 2020 WL 6343336, at *3 (Tex. App.—Corpus Christi–Edinburg Oct. 29, 2020, no pet.) (mem. op.)
- M&E Endeavors LLC v. Air Voice Wireless LLC, Nos. 01-18-00852-CV, 01-19-00180-CV, 2020 WL 5047902, at *7 (Tex. App.—Houston [1st Dist.] Aug. 17, 2020, no pet.) (mem. op.)
- Bolling v. Farmers Branch Indep. Sch. Dist., 315 S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.)
- Steele v. Humphreys, No. 05-19-00988-CV, 2020 WL 6440499, at *2 (Tex. App.—Dallas Nov. 3, 2020, no pet.) (mem. op.)
- Ex parte Shaffer, 649 S.W.2d 300, 302 (Tex. 1983)
- Mansfield State Bank v. Cohn, 573 S.W.2d 181, 184 (Tex. 1978)
- Yeldell v. Denton Cent. Appraisal Dist., No. 2-07-313-CV, 2008 WL 4053014, at *2 (Tex. App.—Fort Worth Aug. 29, 2008, pet. denied) (mem. op.)
- Garrett v. Lee, No. 01-21-00498-CV, 2021 WL 5702177, at *2–3 (Tex. App.—Houston [1st Dist.] Dec. 2, 2021, pet. denied) (mem. op.)
- Lipscomb v. City of Dall. Police, No. 05-16-01090-CV, 2017 WL 1149674, at *1 (Tex. App.—Dallas Mar. 27, 2017, no pet.) (mem. op.)
- Fredonia State Bank v. Gen. Am. Life Ins. Co., 881 S.W.2d 279, 284 (Tex. 1994)
- Porter v. Kennard Law PC, No. 01-22-00153-CV, 2022 WL 11413164, at *5–6 (Tex. App.—Houston [1st Dist.] Oct. 20, 2022, pet. denied) (mem. op.)
- Golden v. Milstead Towing & Storage, Nos. 09-21-00043-CV to 09-21-00045-CV, 2022 WL 1412303, at *2 (Tex. App.—Beaumont May 5, 2022, no pet.) (mem. op.)
- Serrano v. Francis Props. I, Ltd., 411 S.W.3d 661, 667 (Tex. App.—El Paso 2013, pet. dism’d w.o.j.)
- Demby v. Goldman Sachs Bank USA, No. 01-23-00556-CV, 2024 WL 924514, at *2–3 (Tex. App.—Houston [1st Dist.] Mar. 5, 2024, no pet.) (mem. op.)
- Ligon v. Casey, No. 01-22-00247-CV, 2023 WL 4769533, at *12 n.5 (Tex. App.—Houston [1st Dist.] July 27, 2023, no pet.) (mem. op.)
- Strange v. Cont’l Cas. Co., 126 S.W.3d 676, 678 (Tex. App.—Dallas 2004, pet. denied)