An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-555

Filed: 6 February 2018

Durham County, No. 15 CVD 3128

LEONARD VINES, Plaintiff,

v.

JERMAINE ANTONIO McKOY, Defendant.

On writ of certiorari to review order entered 30 June 2016 by Judge James Hill in Durham County District Court. Heard in the Court of Appeals 2 January 2018.

Leonard Vines, plaintiff-appellant, pro se.

Law Office of Robert E. Ruegger, by Robert E. Ruegger, for defendant-appellee.

BRYANT, Judge.

Where plaintiff's numerous rules violations impede our ability to comprehend the issues and render a meaningful verdict, we dismiss plaintiff's appeal.

On 26 May 2015, plaintiff Leonard Vines filed a personal injury action against defendant Jermaine Antonio McKoy seeking damages in excess of $10,000.00 based on defendant's alleged negligence in failing to properly park his vehicle. At the close of plaintiff's evidence, defendant moved for a directed verdict on the grounds that

plaintiff had failed to introduce any evidence of injury or damages sufficient to take the case to the jury for determination. The trial court allowed the motion, and plaintiff appealed. However, plaintiff has failed to substantially comply with the North Carolina Rules of Appellate Procedure, thereby warranting dismissal of his appeal.

A few of plaintiff's violations are as follows: Plaintiff noted the wrong filing date for the order for directed verdict from which he appeals and failed to include a copy of the appealed order in the record on appeal as required by Rule 9(a)(1). Although plaintiff included the order in his appellant brief, "our review is limited to the record on appeal . . . and any other items filed with the record in accordance with Rule 9(c) and 9(d)." *Kerr v. Long*, 189 N.C. App. 331, 334, 657 S.E.2d 920, 922 (2008). Plaintiff also failed to include in the record on appeal all documents filed in the trial court that are necessary to an understanding of the issues on appeal as required by Rule 9(a)(1), namely the return of the civil summons, defendant's answers to plaintiff's interrogatories, and plaintiff's answers to defendant's interrogatories. Further, plaintiff included unnecessary documents in the record on appeal, namely a party's answers from a different lawsuit; the included documents lack filing dates; and plaintiff failed to number the pages of the record on appeal. *See* N.C. R. App. P. 9(b)(2)-(4) (2017).

In his appellant brief, plaintiff failed to include the applicable legal standard of review for each of the two issues on appeal and failed to present any argument or authority to support each issue as required by Rule 28(b)(6). Plaintiff's argument in its entirety states: "I felt that Judge Hill Directed Verdict should not have been ordered due to the facts of [plaintiff] having plenty of evidence to give to the court; Rule 50 should not have been permitted in the court ruling; so I ask the court to reverse the decision in this case." "Issues raised in [an appellant's] brief, but not supported by argument or authority, are deemed abandoned." *Pharmaresearch Corp. v. Mash*, 163 N.C. App. 419, 428, 594 S.E.2d 148, 154 (2004). Plaintiff's first issue on appeal pertains to whether the trial court erred in admitting a hearsay statement made to a non-treating physician. However, plaintiff failed to include any reference to the physician's testimony in his appellant brief or the record on appeal and never identified the statement in question in order for this Court to review the issue. Plaintiff's second issue on appeal pertains to a contempt proceeding to which plaintiff has made no other reference in his appellant brief or the record on appeal and from which he has not appealed.

Defendant has filed a motion to dismiss plaintiff's appeal due to the multiple appellate rule violations. The Rules of Appellate Procedure are mandatory and failure to comply with these rules subjects an appeal to dismissal. *Steingress v. Steingress,* 350 N.C. 64, 65, 511 S.E.2d 298, 299 (1999). These rules apply to

everyone, including *pro se* appellants. *Bledsoe v. Cty. of Wilkes*, 135 N.C. App. 124, 125, 519 S.E.2d 316, 317 (1999) (per curiam). Therefore, plaintiff's status as a *pro se* litigant does not excuse his non-compliance with the Rules of Appellate Procedure. *See id*.

Plaintiff's substantial violations of the appellate rules "impede comprehension of the issues on appeal" and "frustrate the appellate process[,]" thereby prohibiting this Court from meaningfully reviewing his appeal. *State v. Hart*, 361 N.C. 309, 312, 644 S.E.2d 201, 203 (2007). Accordingly, we hold that plaintiff's "noncompliance with the appellate rules rises to the level of a substantial failure or gross violation" warranting dismissal of the appeal, and we allow defendant's motion to dismiss. *Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co.*, 362 N.C. 191, 200, 657 S.E.2d 361, 366 (2008).

DISMISSED.

Judges HUNTER, JR., and INMAN concur.

Report per Rule 30(e).