

Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

APPELLANT PRO SE:

OSCAR GUILLEN, SR.
Carlisle, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

OSCAR GUILLEN, SR.,)	
)	
Appellant,)	
)	
vs.)	No. 46A03-0607-CV-330
)	
MR. HUCKINS & MR. DORSEY,)	
)	
Appellees.)	

APPEAL FROM THE LAPORTE SUPERIOR COURT
The Honorable Paul Baldoni, Judge
Cause No. 46D03-0606-SC-667

April 4, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Oscar Guillen (“Guillen”) appeals the LaPorte Superior Court’s dismissal of his small claim lawsuit. We summarily affirm.

Facts and Procedural History

From the chronological case summary, it appears that Guillen filed a small claims notice lawsuit on May 17, 2006. Guillen has not provided us with a copy of his complaint, but according to the trial court’s order, Guillen’s complaint alleged that the Department of Correction (“DOC”) was not providing him proper rehabilitative processes; the DOC was violating his constitutional rights; the Porter County courts were not making copies of his documents; and the law clerk in Porter County discriminated against him, harassed him, and denied him access to the courts. For these alleged violations, Guillen sought \$3,000 in damages and/or injunctive relief. On June 1, 2006, the trial court issued an order concluding that it could not grant relief and that Guillen’s claims were frivolous, thereby dismissing the cause with prejudice pursuant to Indiana Code section 34-58-1-3.

On June 20, 2006, Guillen wrote a letter to the trial court, which the court deemed to be a motion to correct error. The court subsequently denied his motion. Guillen then filed a notice of appeal on July 21, 2006.

Discussion and Decision

Guillen has failed to comply with Indiana Appellate Rules and has failed to present any facts regarding his claim of “discrimination” for our review. Indiana Appellate Rule 46(A)(6) mandates that the facts cited in an appellant’s brief be supported

by page references to the record or appendix.¹ Indiana Appellate Rule 46(A)(8) also requires that the argument section contain the appellant's contentions as to why the trial court committed reversible error and that the contentions be supported by "cogent reasoning." The rule further requires that each contention be supported by citations to the authorities, statutes, and the parts of the Record on Appeal relied upon. Guillen's brief wholly fails to comply with these rules.

Aside from the standard of review, Guillen's argument section alleges, in its entirety, that dismissal "should only be imposed in extreme circumstance [sic] and the extreme situation in this case was that this law suit is against prison officials in which constitutes a discriminational [sic] claim." Br. of Appellant at 3. His brief contains no statement of facts supporting his claim of discrimination and no references to materials contained in his appendix. We recognize that Guillen is proceeding pro se. Yet this does not excuse his failure to follow the applicable appellate rules. See Wright v. State, 772 N.E.2d 449, 463 (Ind. Ct. App. 2002).

As a result of Guillen's failure to comply with Indiana Appellate Rules, we have no means to review the merits of his complaint. The failure to present any cogent argument results in a waiver of the issue on appeal. Therefore, we summarily affirm.

Affirmed.

NAJAM, J., and MAY, J., concur.

¹ Guillen filed an "Appellant's Case Summary," which we deem to be his appendix. However, this appendix does not comport with our rules as it contains no table of contents, no page numbers, and no copy of Guillen's complaint. See Ind. Appellate Rule 50 (2007).