

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY**

BRIAN MICKENS,

Plaintiff-Appellant,

- vs -

BERRY GLOBAL,

Defendant-Appellee.

CASE NO. 2022-P-0066

Civil Appeal from the
Court of Common Pleas

Trial Court No. 2022 CV 00599

**MEMORANDUM
OPINION**

Decided: March 20, 2023
Judgment: Appeal dismissed

Brian Mickens, pro se, 1325 Riverview Street, N.W., Warren, OH 44485 (Plaintiff-Appellant).

Anthony D. Dick and Kirsten B. Mooney, Fisher & Phillips LLP, 200 Public Square, Suite 4000, Cleveland, OH 44114 (For Defendant-Appellee).

MARY JANE TRAPP, J.

{¶1} On November 7, 2022, plaintiff-appellant, Brian Mickens (“Mr. Mickens”), filed a pro se notice of appeal from a judgment of the Portage County Court of Common Pleas, listing defendant Berry Global and non-party “ODJFS” as appellees.

{¶2} On December 15, 2022, this court filed a judgment entry dismissing ODJFS as an appellee and overruling Mr. Mickens’ filing entitled “Motion of Appellant, Brian Mickens to Adjudicate Claims Action,” which he had sent via email to the Portage County Clerk of Courts.

{¶3} On January 17, 2023, this court filed a judgment entry striking filings that Mr. Mickens sent via email to the clerk of courts on November 29, 2022, November 30, 2022, December 2, 2022, December 14, 2022, December 19, 2022, December 23, 2022, and January 17, 2023. We instructed Mr. Mickens to file a merit brief within 14 days that conforms to the requirements in App.R. 16 and Loc.R. 16, and we notified him that the failure to do so would result in the dismissal of his appeal.

{¶4} On January 23, 2023, Mr. Mickens sent a purported merit brief to the clerk of courts via email. On February 10, 2023, Berry Global filed a response, contending that Mr. Mickens' purported brief does not comply with App.R. 16, Loc.R. 16, or this court's January 17 judgment entry and requested dismissal.

{¶5} On February 17 and February 24, 2023, Mr. Mickens filed documents entitled "Appellant Motion for Relief from Defendant Berry Global." [sic.]

{¶6} Upon review, Mr. Mickens has failed to comply with the Ohio Rules of Appellate Procedure, this court's Local Rules, and this court's January 17 judgment entry. His purported brief does not contain a proper table of contents; a table of cases; a statement of the case; a statement of facts supported by references to the record; any assignments of error; any argument with citations to legal authority; or a statement of the issues presented for review, in violation of App.R. 16(A) and Loc.R. 16(B) and (C). Mr. Mickens' failure to comply wholly prevents any appellate review of this matter. This court does not have a legal or ethical obligation to assert an argument for an appellant even if an argument exists to support the appellant's claim. *In re Estate of Copeland*, 11th Dist. Lake No. 2018-L-082, 2018-Ohio-4271, ¶ 6. Although Mr. Mickens is proceeding pro se,

pro se litigants are bound by the same rules and procedures as those litigants who retain counsel. *Aston v. Aston*, 11th Dist. Lake No. 2017-L-076, 2018-Ohio-908, ¶ 15.

{¶7} Accordingly, this appeal is dismissed pursuant to Loc.R. 16(E). Mr. Mickens' motions "for relief" are overruled as moot.

JOHN J. EKLUND, P.J.,

EUGENE A. LUCCI, J.,

concur.