

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON  
Assigned on Briefs June 1, 2023

<b>FILED</b> 06/06/2023 Clerk of the Appellate Courts
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**MICHAEL R. ADAMS v. EDWIN BRITTENUM ET AL.**

**Appeal from the Circuit Court for Shelby County**  
**No. CT-0851-23     Gina C. Higgins, Judge**

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**No. W2023-00800-COA-T10B-CV**

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A pro se petitioner seeks accelerated interlocutory review of an order denying a motion for recusal. Because the filing does not comply with Tennessee Supreme Court Rule 10B, we dismiss the appeal.

**Tenn. Sup. Ct. R. 10B Interlocutory Appeal as of Right; Appeal Dismissed**

W. NEAL MCBRAYER, J., delivered the opinion of the court, in which THOMAS R. FRIERSON II and KENNY W. ARMSTRONG, JJ., joined.

Michael R. Adams, Memphis, Tennessee, pro se appellant.

**OPINION**

Michael R. Adams appeals from the denial of recusal. He does so using the notice of appeal form. He filed nothing related to the proceedings below other than the order allowing him to proceed as an indigent person. The notice of appeal indicates that the judgment from which he appeals was filed in the trial court clerk’s office on May 15, 2023, and that this is a civil case. In the space provided for describing the type of case, the words “Rescual [sic] Denied” appear. The proof of service he filed with his notice of appeal specifies that his filing is a “Petition for Recusal Appeal.”

A few days later, Mr. Adams filed an “Amended/Supplement Petition for Review.” This document states that the “appeal arises as an Accelerated Interlocutory Appeal as of right, from the Shelby County Circuit Court, on Order Denying Plaintiff on motion to Recuse, Dev. 4 Judge, the Honorable Gina C. Higgins.” Although the Amended/Supplement Petition for Review contains a statement of issues, statement of

facts, and argument, it does not include Mr. Adams' motion for recusal, the supporting documents, or the order denying his motion.

Rule 10B of the Rules of the Supreme Court of Tennessee governs the procedure for “determin[ing] whether a judge should preside over a case.” TENN. SUP. CT. R. 10B. If a trial court judge denies a request for his disqualification or recusal, there are only two methods for seeking review. *Id.* § 2.01. The denial “can be raised as an issue in an appeal as of right . . . following the entry of the trial court’s judgment,” or the denial “can be appealed in an accelerated interlocutory appeal as of right.” *Id.*

To seek an accelerated appeal, “a petition for recusal appeal” must be filed. *Id.* § 2.02. And the petition must contain:

- (a) A statement of the issues presented for review;
- (b) A statement of the facts, setting forth the facts relevant to the issues presented for review;
- (c) An argument, setting forth the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities; and
- (d) A short conclusion, stating the precise relief sought.

*Id.* § 2.03. The petition must also “be accompanied by a copy of the motion [for the judge’s disqualification or recusal] and all supporting documents filed in the trial court, a copy of the trial court’s order or opinion ruling on the motion, and a copy of any other parts of the trial court record necessary for determination of the appeal.” *Id.*

Mr. Adams’s Amended/Supplement Petition for Review satisfies some of the requirements of a petition for recusal appeal. But it is accompanied by none of the required documents. As we have previously stressed, “the accelerated nature of these interlocutory appeals as of right requires meticulous compliance with the provisions of Rule 10B regarding the content of the record provided to this Court.” *Johnston v. Johnston*, No. E2015-00213-COA-T10B-CV, 2015 WL 739606, at \*2 (Tenn. Ct. App. Feb. 20, 2015). Without such compliance, we cannot meet our obligation to decide the appeal “on an expedited basis.” *Id.* (quoting TENN. SUP. CT. R. 10B § 2.06). Given the failure to provide a copy of the trial court’s order or opinion, we cannot even determine if the notice of appeal was timely filed. *See Judzewitsch v. Judzewitsch*, No. E2022-00475-COA-T10B-CV, 2022 WL 1279790, at \*2 (Tenn. Ct. App. Apr. 29, 2022).

Mr. Adams filed his “petition for recusal appeal” pro se. Although we “take into account that many pro se litigants have no legal training and little familiarity with the judicial system,” we cannot “excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003). Under the circumstances, we conclude that dismissal of the appeal is required. *See Blevins v. Green*, No. E2023-00295-COA-T10B-CV, 2023 WL 2398256, at \*2 (Tenn. Ct. App. Mar. 8, 2023) (dismissing appeal where “notice of accelerated appeal is not accompanied by any additional documents beyond the trial court’s order and an envelope”); *Nisenbaum v. Nisenbaum*, No. M2021-01377-COA-T10B-CV, 2021 WL 5919114, at \*1 (Tenn. Ct. App. Dec. 15, 2021) (dismissing appeal when petitioner “did not supply any of the required documents with her petition”).

s/ W. Neal McBrayer  
W. NEAL MCBRAYER, JUDGE