

**FILED**

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Clerk of the  
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs August 10, 2026

**CLIFFORD LEON HOUSTON v. KRISTI M. DAVIS, ET AL.**

**Appeal from the Chancery Court for Roane County**  
**No. 2024-83      Robert E. Lee Davies, Senior Judge**

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**No. E2025-01812-COA-R3-CV**

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This appeal arises from the dismissal of a complaint alleging a civil conspiracy for violations of civil rights based upon the fact that the defendant judges denied the plaintiff's motion to recuse by order entered May 1, 2024. The trial court dismissed the complaint on the ground it failed to state a claim upon which relief could be granted, summons were never issued for service of process on the defendants, and the statute of limitations for a claim of civil conspiracy had run. We, however, do not get to the merits of the case but instead find that the plaintiff/appellant's brief is profoundly deficient for it fails to comply with Rule 27(a) of the Tennessee Rules of Appellate Procedure and Rule 6 of the Rules of the Court of Appeals of Tennessee in several material respects. Based on the appellant's failure to substantially comply with Rule 27(a)(6)–(7) of the Tennessee Rules of Appellate Procedure and Rule 6 of the Rules of the Court of Appeals of Tennessee, the appellant has waived his right to an appeal. Accordingly, this appeal is dismissed.

**Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed**

FRANK G. CLEMENT, JR., C.J., delivered the opinion of the Court, in which J. STEVEN STAFFORD, P.J., W.S., and WILLIAM E. PHILLIPS II, J., joined.

Clifford Leon Houston, Ten Mile, Tennessee, pro se, appellant.

Jonathan Skrmetti, Attorney General & Reporter, and Peako Jenkins, Senior Assistant Attorney General, for the appellees, Judge Kristi M. Davis, Judge D. Michael Swiney, Judge John W. McClarty, and Judge Thomas R. Frierson II.

**OPINION**

On June 1, 2024, Clifford Leon Houston ("Plaintiff") filed a complaint to commence this action alleging that the defendant judges, who he identifies as conspirators, "unlawfully falsified the appeals court record of Tennessee at Knoxville in an attempt to

AVOID having to immediately RECUSE themselves from having any involvement with the plaintiff Houston's civil case No. 2022-139, No. E2023-01756-COA-R3-CV."

Under the heading Complaint for Violation of Civil Rights, the complaint summarizes Plaintiff's claim as follows:

The Plaintiff, Whistleblower files this complaint for violation of his civil rights on and against the abovementioned defendants, and conspirators under the civil rights Act of 1964, 42 U.S.C. of 1985 conspiracy to interfere with the plaintiff civil rights, 42 U.S.C. of 1983 for unlawfully violating the plaintiff's civil rights while acting under color of the law.

In support of the above allegations, the complaint goes on to state, in part:

On the 11th day of April 2024, the plaintiff filed in the Court of Appeals of Tennessee at Knoxville a motion to recuse Judges Kristi M. Davis, D. Michael Swiney, John W. McClarity and Thomas R. Frierson II from having any involvement with Clifford Leon Houston's civil case No. 2022-CV-139, No. 2023-01756-COA-R3-CV due to an actual conflict of interest.

The plaintiff's April 11th 2024 motion to recuse was filed pursuant to Tennessee Supreme Court rule 10 Canon 1.2 which provides: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." See exhibit A-1 header page of the plaintiff's April 11th, 2024, motion to recuse.

On or about the 1st day of May 2024 the abovementioned defendants, conspirators while acting under color of law, having a criminal, reckless intent did unlawfully conspire and did agree with each other to unlawfully enter into the court record of the Court of Appeals of Tennessee at Knoxville a fraudulent document in civil case No. 2022-139, No. E2023-01756-COA-R3-CV by way of stating: on April 11th, 2024, the appellant Clifford Leon Houston ("Appellant"), filed a motion pursuant to rule 10B of the Rules of the Supreme Court of Tennessee seeking to have all the judges in the Eastern Division of the Tennessee Court of Appeals recused from hearing this appeal, see exhibit A-2 May 1st 2024 order signed by the above-mentioned defendants, conspirators who falsely stated on the court record the appellant Clifford Leon Houston filed his motion pursuant to rule 10B of the rules of the Supreme Court of Tennessee while having actual, full knowledge that the court of appeals record at Knoxville, Tennessee clearly established that the appellant Houston filed his April 11th 2024 motion to recuse pursuant to

Tennessee Supreme Court rule 10 canon 1.2 see exhibits A-1 and A-2.<sup>1</sup>

Attached to the complaint as an exhibit is the order, signed individually by all four defendant judges, denying Plaintiff's motion to recuse. The order, entered on May 1, 2024, reads:

On April 11, 2024, the appellant, Clifford Leon Houston ("Appellant"), filed a motion pursuant to Rule 10B of the Rules of the Supreme Court of Tennessee seeking to have all the judges in the Eastern Division of the Tennessee Court of Appeals recused from hearing this appeal. The motion is not in compliance with the rule in that it does not affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation and it is not supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge. . . ." Tenn. Sup. Ct. R. 10B, § 3.01. Rule 10B requires a litigant seeking the recusal of a judge to file a written motion that strictly complies with Rule 10B. *See Burkhart v. Burkhart*, No. M2023-01390-COA-T10B-CV, 2023 WL 6818637, at \*4 (Tenn. Ct. App. Oct. 17, 2023).

Because Appellant's motion to recuse does not comply with the requirements of Rule 10B Appellant's motion to recuse is hereby DENIED.

One month later, on June 1, 2024, Plaintiff commenced this action against Judges Kristi M. Davis, D. Michael Swiney, John W. McClarity and Thomas R. Frierson II.

Shortly after the commencement of this action, the chancellor who would have presided over this civil action, sua sponte, entered an order stating he had a conflict of interest and recused himself from the case.<sup>2</sup> Thereafter, the Chief Justice of the Tennessee Supreme Court appointed Senior Judge Robert E. Lee Davies to preside over the case.<sup>3</sup>

Shortly thereafter, pursuant to an order entered on October 27, 2025, Senior Judge Davies, sua sponte, dismissed this case. The Order of Dismissal reads in pertinent part:

This case is before the Court on its own motion. The complaint alleges a civil conspiracy based upon the fact that the Court of Appeals denied Plaintiff's motion to recuse order entered May 1, 2024.

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<sup>1</sup> The complaint continues for several pages; nevertheless, the foregoing provides an overview of the complaint.

<sup>2</sup> The order was entered on June 21, 2024.

<sup>3</sup> The order was entered in the trial court on September 4, 2024.

The Court finds that the complaint fails to state a claim upon which relief can be granted and that a Court is not required to accept as true allegations that are merely legal arguments and legal conclusions. *Runyon v. Zacharias*, 556 S.W. 3d 732, 737 (Tenn. Ct. App. 2018). Process has never been issued and the statute of limitations pertaining to civil conspiracy has long since run.

It is therefore ORDERED that this complaint is dismissed with prejudice. Costs of this cause in the amount of \$324.50 are taxed to Plaintiff for which execution may issue.

This appeal followed.

## ANALYSIS

### I. PRO SE LITIGANTS

Plaintiff is acting pro se in this appeal. The rights and responsibilities of pro se litigants have been addressed on numerous occasions by this court:

Parties who decide to represent themselves are entitled to fair and equal treatment by the courts. The courts should take into account that many pro se litigants have no legal training and little familiarity with the judicial system. However, the courts must also be mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant's adversary. Thus, the courts must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.

*Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014) (quoting *Young v. Barrow*, 130 S.W.3d 59, 62–63 (Tenn. Ct. App. 2003) (internal citations omitted)); *see also Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003).

Consequently, a pro se litigant should not “be permitted to shift the burden of the litigation to the courts or to their adversaries.” *Young*, 130 S.W.3d at 63. Further, a pro se litigant must comply with the same rules that lawyers must observe. *Watson v. City of Jackson*, 448 S.W.3d 919, 926 (Tenn. Ct. App. 2014).

### II. WAIVER OF APPELLATE REVIEW

Our review of Plaintiff's appellate brief readily reveals that his brief fails to comply with the most fundamental of appellate rules of practice, specifically Rule 27 of the Tennessee Rules of Appellate Procedure as well as Rule 6 of the Rules of the Court of Appeals of Tennessee. This is significant because our “[c]ourts have routinely held that the

failure to make appropriate references to the record and to cite relevant authority in the argument section of the brief as required by [Tennessee Rule of Appellate Procedure] 27(a)(7) constitutes a waiver of the issue.” *Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000) (listing cases).

All filers, including pro se filers, must comply with Rule 27’s basic requirements. *See Murray*, 457 S.W.3d at 404. Further, a *pro se* filer’s failure “to comply in any significant way with Tenn. R. App. P. 27” results in waiver on appeal. *Id.*

Rule 27 of the Tennessee Rules of Appellate Procedure states in pertinent part:

- (a) Brief of the Appellant. The brief of the appellant shall contain under appropriate headings and in the order here indicated:

. . .

(5) A statement of the case, indicating briefly the nature of the case, the course of proceedings, and its disposition in the court below;

(6) A statement of facts, setting forth the facts relevant to the issues presented for review with appropriate references to the record;

(7) An argument, which may be preceded by a summary of argument, setting forth: (A) 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 appropriate references to the record (which may be quoted verbatim) relied on; and (B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);

(8) A short conclusion, stating the precise relief sought.

Similarly, Rule 6 of the Rules of the Court of Appeals of Tennessee provides in pertinent part:

- (a) Written argument in regard to each issue on appeal shall contain:
  - (1) A statement by the appellant of the alleged erroneous action of the trial court which raises the issue and a statement by the appellee of any action of the trial court which is relied upon to correct the alleged error, with citation to the record where the erroneous or corrective action is recorded.

- (2) A statement showing how such alleged error was seasonably called to the attention of the trial judge with citation to that part of the record where appellant's challenge of the alleged error is recorded.
  - (3) A statement reciting wherein appellant was prejudiced by such alleged error, with citations to the record showing where the resultant prejudice is recorded.
  - (4) A statement of each determinative fact relied upon with citation to the record where evidence of each such fact may be found.
- (b) No complaint of or reliance upon action by the trial court will be considered on appeal unless the argument contains a specific reference to the page or pages of the record where such action is recorded. . . .

Plaintiff has failed to comply with the foregoing rules in numerous and material ways. He has failed to identify the issues and his brief lacks a comprehensible statement of facts and argument. *See* Tenn. R. App. P. 27(a)(6)–(7). Moreover, assuming his brief properly raises an issue, which it does not, raising an issue is not sufficient to preserve an issue on appeal. It must also be properly argued, which this brief does not. *See Childress v. Union Realty Co.*, 97 S.W.3d 573, 578 (Tenn. Ct. App. 2002) (“[W]hen a party raises an issue in its brief but fails to address it in the argument section of the brief, we consider the issue to be waived.”).

Furthermore, our Supreme Court has held that “it will not find this Court in error for not considering a case on its merits where the [appellant] did not comply with the rules of this Court.” *Bean*, 40 S.W.3d at 54–55 (citing *Crowe v. Birmingham & N.W. Ry. Co.*, 1 S.W.2d 781 (Tenn. 1928)). Accordingly, based upon the foregoing legal principles and Plaintiff's failure to comply with Rules 27(a)(6)–(7) of the Tennessee Rules of Appellate Procedure, as well as Rule 6 of the Rules of the Court of Appeals of Tennessee, Plaintiff has waived his right to an appeal as to any issue. Therefore, this appeal is dismissed.

### CONCLUSION

The appeal is dismissed for the above reasons, and costs of appeal are assessed against the appellant, Clifford Leon Houston, for which execution may issue.

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FRANK G. CLEMENT, JR., CHIEF JUDGE