

## MEMORANDUM DECISION

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.



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### APPELLANT PRO SE

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### ATTORNEYS FOR APPELLEE

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## IN THE COURT OF APPEALS OF INDIANA

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Kevin Martin,  
*Appellant-Plaintiff,*

v.

Frank Vanihel, *et al.*,  
*Appellees-Defendants.*

March 24, 2022

Court of Appeals Case No.  
21A-CT-2210

Appeal from the Sullivan Circuit  
Court

The Honorable Lakshmi Y.  
Reddy, Special Judge

Trial Court Cause No.  
77C01-2107-CT-390

**Najam, Judge.**

## Statement of the Case

- [1] Kevin Martin appeals the trial court’s order dismissing his complaint in this matter. Martin, *pro se*, appears to present a single issue for our review. However, Martin’s violations of the Rules of Appellate Procedure are so flagrant and numerous that we cannot discern the issue he presents, and he has waived our review of this appeal.
- [2] We affirm.

## Facts and Procedural History

- [3] Martin is an inmate in the Pendleton Correctional Facility, and he is a frequent litigant. Here, in his statement of facts, he has included a single sentence that states only that he filed a complaint and that a special judge was appointed. He has not provided any “facts relevant to the issues presented for review.” Ind. Appellate Rule 46(A)(6). And Martin’s appendix includes only the CCS, the trial court’s order denying a motion to correct error (which is not included in the appendix), and an engagement letter from an attorney.
- [4] In short, we cannot discern from either his brief or the appendix any facts relevant to this appeal. In any event, it appears that Martin filed a complaint “alleging the warden of his facility, the grievance specialist, and the law librarian all violated his constitutional rights by refusing to give him envelopes, thus preventing him from corresponding with his lawyer.” Appellee’s Br. at 5. The trial court dismissed that complaint. This appeal ensued.

## Discussion and Decision

[5] As we recently stated in a prior appeal brought by Martin,

[i]t is well settled that pro se litigants are held to the same standards as licensed attorneys, and thus they are required to follow procedural rules. *Evans v. State*, 809 N.E.2d 338, 344 (Ind. Ct. App. 2004), *trans. denied*. Fatal to Martin’s appeal is his non-compliance with several sections of Indiana Appellate Rule 46, which has also been the reason for dismissal or waiver of issues in several other appeals Martin has filed. *See Martin v. Howe, et. al.*, 18A-CT-680, 2018 WL 5956300 (Ind. Ct. App. November 14, 2018) (dismissal of appeal based, in part, on Martin’s failure to make a cogent argument), *trans. denied*; *Martin v. Brown, et. al.*, 18A-CT-2940, 2019 WL 1217796 (Ind. Ct. App. March 15, 2019) (affirmed dismissal of complaint based on violations of Indiana Rules of Appellate Procedure), *trans. denied*; *Martin v. Gilbert, et. al.*, 18A-CT-2095, 2019 WL 2363327 (Ind. Ct. App. June 5, 2019) (affirmed dismissal of complaint based on violations of Indiana Rules of Appellate Procedure), *trans. [denied]*.

*Martin v. Hunt*, 130 N.E.3d 135, 137-38 (Ind. Ct. App. 2019).

[6] Here, Martin’s brief lacks any cogent statement of the issue presented on appeal, statement of the case, statement of the facts, or summary of the argument. *See* Ind. Appellate Rule 46(A)(4)-(7). And his argument is barely discernible. Further, Martin does not support any of his apparent contentions with citations to the appendix or record on appeal. *See* App. R. 46(A)(8)(a). Finally, Martin does not include a precise statement of the relief sought in his conclusion. *See* App. R. 46(A)(9). Martin merely asks that we “review [his] issue.” Appellant’s Br. at 16.

[7] Failure to present a cogent argument results in waiver of the issue on appeal. *Martin*, 130 N.E.3d at 137. Here, in addition to failure to make a cogent argument, Martin has not provided a sufficient statement of facts and procedural history or citation to pages in the record to support his argument. While Martin is entitled to submit a handwritten brief, his brief is barely legible in some places. While failure to comply with the Indiana Rules of Appellate Procedure does not necessarily result in waiver of a claim, waiver is appropriate when, as here, the violation of those rules substantially impedes our review of the issues alleged. *Id.* at 137-38. Accordingly, we affirm the trial court's dismissal of his complaint.

[8] Affirmed.

Vaidik, J., and Weissmann, J., concur.