

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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CHRISTOPHER CARREA JR.  
*Plaintiff/Appellant,*

*v.*

JESSIE FOLEY, SHERIL FOLEY, DELVONNE FOLEY, PIERRE FOLEY, VICTOR  
FOLEY ESTATE, LAMOUR FOLEY, REESE,  
ALL OCCUPANTS OF 1944 WEST PUEBLO VISTA BLVD  
AND ALL OCCUPANTS OF SOUTH CAMINO SANTIAGO,  
*Defendants/Appellees.*

No. 2 CA-CV 2015-0113  
Filed December 23, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).*

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Appeal from the Superior Court in Pima County  
No. C20146366  
The Honorable Stephen C. Villarreal, Judge

**APPEAL DISMISSED**

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Christopher Carrea Jr., Norco, California  
*In Propria Persona*

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MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Howard and Judge Staring concurred.

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ESPINOSA, Judge:

¶1 Christopher Carrea Jr. appeals from the trial court's order denying his "motion for default," which he characterizes as "a final judgment" that "dismissed [his] case," claiming numerous legal, procedural, and constitutional errors by the court. For the reasons below, we dismiss the appeal for lack of jurisdiction.

**Factual and Procedural Background<sup>1</sup>**

¶2 In December 2014, Carrea filed a complaint against the Foleys,<sup>2</sup> asserting multiple claims arising from their alleged "fraudul[e]nt and criminal" use of two real properties. After the Foleys failed to file timely answers, Carrea submitted an application for entry of default pursuant to Rule 55(a)(2), Ariz. R. Civ. P., and served copies of the application on each defendant. After default was entered, *see* Ariz. R. Civ. P. 55(a)(2), (3), Carrea filed a motion

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<sup>1</sup>Carrea's opening brief does not contain appropriate citations to the record as required by Rule 13(a)(5), Ariz. R. Civ. App. P. We have therefore disregarded the factual assertions contained in his brief, *see Sholes v. Fernando*, 228 Ariz. 455, n.2, 268 P.3d 1112, 1114 n.2 (App. 2011), relying on our own review of the record instead, *see Delmastro & Eelis v. Taco Bell Corp.*, 228 Ariz. 134, ¶ 2, 263 P.3d 683, 686 (App. 2011).

<sup>2</sup>Carrea's complaint named the following individuals as defendants: "Jessie Foley; Sheril Foley; Delvonne Foley; Lamont Foley; Victor Foley Estate; Reese; All Occupants of 1944 West Pueblo Vista Blvd . . . ; All Occupants of South Camino Santiago . . . ; [and] Pierre Foley." For clarity and convenience, we refer to them collectively as "the Foleys."

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“request[ing] judgment order against each and every defendant.” The motion contained claims of “\$100,000.00 in general damages” and “\$200,000.00 in punitive damages.”

¶3 The trial court issued a written ruling denying Carrea’s motion “without prejudice,” construing it as a “motion for entry of default judgment without a hearing.” In doing so, the court noted Carrea’s claims were “not for a sum certain” and he “did not provide the Court with any proposed form of judgment.” *See* Ariz. R. Civ. P. 55(b). The court also stated “[Carrea] may request a hearing through the Hearing Officer and proceed under Rule 55(b)(2).” This appeal followed.

**Discussion**

¶4 As noted above, Carrea appeals from the trial court’s order denying his “motion for default,” which he asserts was “a final judgment” that “dismissed [his] case.” Under Rule 13(a)(4), Ariz. R. Civ. App. P., Carrea was required to specify in his appellate brief the jurisdictional basis for his appeal, but has failed to do so. Nevertheless, we have an independent duty to determine whether we have jurisdiction over the appeal. *See In re Marriage of Kassa*, 231 Ariz. 592, ¶ 3, 299 P.3d 1290, 1291 (App. 2013).

¶5 This court’s jurisdiction is limited by statute. *See Hall Family Props., Ltd. v. Gosnell Dev. Corp.*, 185 Ariz. 382, 386, 916 P.2d 1098, 1102 (App. 1995). “If no statute makes an order appealable, there is no jurisdiction to consider the merits of an appeal from that order.” *Id.* Section 12-2101, A.R.S., lists the instances when “[a]n appeal may be taken to the court of appeals from the superior court.” Normally, an aggrieved party may only appeal from an order of the superior court upon the entry of a “final judgment.” A.R.S. § 12-2101(A)(1); *see also Harris v. Cochise Health Sys.*, 215 Ariz. 344, ¶ 8, 160 P.3d 223, 226 (App. 2007).

¶6 The trial court’s order is not a “final judgment” nor a “dismiss[al of his] case,” as Carrea contends; instead, it is merely an interlocutory order denying his “motion for entry of default judgment without a hearing . . . without prejudice.” Moreover, it fails to qualify as any other appealable order listed in § 12-2101(A).

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Accordingly, we have no jurisdiction to consider the appeal. *See Hall Family Props.*, 185 Ariz. at 386, 916 P.2d at 1102.

**Disposition**

¶7 Because we lack jurisdiction, Carrea's appeal is dismissed.