

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

---

MELINDA GABRIELLA VALENZUELA,  
*Plaintiff/Appellant,*

*v.*

THE STATE OF ARIZONA,  
*Defendant/Appellee.*

No. 2 CA-CV 2016-0003  
Filed October 14, 2016

---

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NOT FOR PUBLICATION  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).*

---

Appeal from the Superior Court in Pinal County  
No. S1100CV201500910  
The Honorable Gilberto V. Figueroa, Judge

**APPEAL DISMISSED**

---

Melinda G. Valenzuela, Buckeye  
*In Propria Persona*

---

**MEMORANDUM DECISION**

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

VALENZUELA v. STATE  
Decision of the Court

---

ST A R I N G, Judge:

¶1 Melinda Valenzuela appeals the trial court’s order dismissing her complaint. We lack jurisdiction and therefore dismiss Valenzuela’s appeal.

**Factual and Procedural Background**

¶2 Valenzuela filed an action against the State of Arizona and several individuals, alleging refusal to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 through 12213. The trial court dismissed the case without prejudice on May 14, 2015, on the ground that Valenzuela had not sought “leave to file pursuant to AO2009-43.” Valenzuela filed a notice of appeal on June 17, which the court denied as untimely. She moved for reconsideration, requesting that the court “reopen the case.” After the court denied reconsideration, Valenzuela filed another notice of appeal, from “the dismissal of the case,” attaching the court’s minute entry denying reconsideration.<sup>1</sup>

**Jurisdiction**

¶3 We have an independent duty to examine whether we have jurisdiction over matters on appeal. *Ghadimi v. Soraya*, 230 Ariz. 621, ¶ 7, 285 P.3d 969, 970 (App. 2012). Our jurisdiction is created and limited by statute, and, generally, “only final judgments are appealable.” *Id.*

¶4 A dismissal without prejudice is not an appealable order when it “is not a final determination of the controversy on its merits, and is no bar to the prosecution of another suit timely

---

<sup>1</sup>Because the order from which Valenzuela appealed did not contain the requisite language specified by Rule 54(c), Ariz. R. Civ. P., we stayed the appeal and re-vested jurisdiction in the trial court to provide an opportunity to enter a final order and also to clarify whether the order dismissing Valenzuela’s complaint was with or without prejudice. The court issued an order affirming its prior rulings and noting the dismissal was without prejudice.

VALENZUELA v. STATE  
Decision of the Court

commenced, founded upon the same cause of action.” *State ex rel. Hess v. Boehringer*, 16 Ariz. 48, 51, 141 P. 126, 127 (1914); *cf. Garza v. Swift Transp. Co.*, 222 Ariz. 281, ¶ 15, 213 P.3d 1008, 1011 (2009) (noting exception to final judgment rule, now codified in A.R.S. § 12-2101(A)(3), when non-final order “in effect determines the action,’ as any refiled action would be barred” by the statute of limitations), *quoting McMurray v. Dream Catcher USA, Inc.*, 220 Ariz. 71, ¶ 4, 202 P.3d 536, 539 (App. 2009). Valenzuela has not argued any exception applies here. Nor does she provide any “citations of legal authorities and . . . references to the . . . record” in support of her appeal. *See* Ariz. R. Civ. App. P. 13(a)(7)(A). Additionally, Valenzuela’s notice of appeal was timely only as to the court’s denial of her motion for reconsideration. The denial of a motion for reconsideration is not an appealable order. *Arvizu v. Fernandez*, 183 Ariz. 224, 226, 902 P.2d 830, 832 (App. 1995) (to be appealable, post-judgment order must raise different issues than would be raised in appeal from underlying judgment).

¶5 Further, it is not incumbent on this court to develop legal arguments and discharge a party’s obligations. *See Ace Auto Prods., Inc. v. Van Duyne*, 156 Ariz. 140, 143, 750 P.2d 898, 901 (App. 1987). Self-represented parties are “entitled to no more consideration than if [they] had been represented by counsel, and [they are] held to the same familiarity with the required procedures . . . as would be attributed to a qualified member of the bar,” *Copper State Bank v. Saggio*, 139 Ariz. 438, 441, 679 P.2d 84, 87 (App. 1983), and an appellant has a duty under Rule 13(a)(4), Ariz. R. Civ. App. P., to identify the jurisdictional basis of an appeal.<sup>2</sup>

---

<sup>2</sup>In Valenzuela’s notice of appeal, she attached the court’s minute entry denying her motion for reconsideration. Because the court dismissed Valenzuela’s complaint without prejudice, we lack jurisdiction over the entirety of Valenzuela’s appeal. Thus, to the extent she alleges the court erred in its decision on her motion for reconsideration, we do not address it.

VALENZUELA v. STATE  
Decision of the Court

**Disposition**

¶6 Because Valenzuela has failed to establish appellate jurisdiction, we dismiss her appeal.