

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

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KELCEY M. ROCKHOLD,  
*Plaintiff/Appellee,*

*v.*

CHARLES A. CASTAÑEDA,  
*Defendant/Appellant.*

No. 2 CA-CV 2017-0066  
Filed October 27, 2017

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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NOT FOR PUBLICATION  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. DV20170294  
The Honorable Jane Butler, Judge Pro Tempore

**APPEAL DISMISSED**

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Charles A. Castañeda, Tucson  
*In Propria Persona*

ROCKHOLD v. CASTAÑEDA  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Staring authored the decision of the Court, in which Judge Brearcliffe and Judge Kelly<sup>1</sup> concurred.

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STARING, Presiding Judge:

¶1 Charles Castañeda appeals the trial court’s order affirming an order of protection issued against him. For the reasons that follow, we dismiss Castañeda’s appeal.

**Factual and Procedural Background**

¶2 In February 2017, Kelcey Rockhold sought an order of protection against Castañeda. The trial court issued an *ex parte* order of protection prohibiting Castañeda from contacting Rockhold or approaching her residence, and requiring he surrender any firearm in his possession within twenty-four hours. Castañeda requested a hearing to contest the order, but failed to appear at the scheduled hearing. The trial court affirmed its previous order of protection. Castañeda appealed.

**Discussion**

¶3 Because our jurisdiction is “provided and limited by statute,” we have an independent duty to determine whether we have jurisdiction over an appeal. *Santee v. Mesa Airlines, Inc.*, 229 Ariz. 88, ¶ 2, 270 P.3d 915, 915-16 (App. 2012). Pursuant to A.R.S. § 12-2101(A)(1), “[a]n appeal may be taken to the court of appeals from . . . a final judgment entered in an action . . . commenced in a superior court.” Generally, our jurisdiction “is limited to appeals from final judgments which dispose of all claims and parties.” *Madrid v. Avalon Care Ctr.-Chandler, L.L.C.*, 236 Ariz. 221, ¶ 3, 338 P.3d 328, 330 (App. 2014), quoting *Baker v. Bradley*, 231 Ariz. 475, ¶ 9, 296 P.3d

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<sup>1</sup>The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

ROCKHOLD v. CASTAÑEDA  
Decision of the Court

1011, 1015 (App. 2013). A judgment on all claims and parties shall not be final unless it states “that no further matters remain pending and that the judgment is entered under Rule 54(c).” Ariz. R. Civ. P. 54(c); see Ariz. R. Protective Order P. 2 (Arizona Rules of Civil Procedure “apply when not inconsistent with these rules”).

¶4 The order of protection from which Castañeda appealed does not contain the requisite finality language of Rule 54(c).<sup>2</sup> Accordingly, we lack jurisdiction over his appeal.<sup>3</sup> See *Madrid*, 236 Ariz. 221, ¶ 11, 338 P.3d at 331.

**Disposition**

¶5 Because Castañeda’s appeal does not stem from a final judgment, we dismiss his appeal.

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<sup>2</sup>We suspended the appeal and revested jurisdiction in the superior court for twenty days to give the court an opportunity to provide a statement pursuant to Rule 54(c), Ariz. R. Civ. P. See Ariz. R. Civ. App. P. 3(b). The time for supplementing the record on appeal having passed, we proceed accordingly.

<sup>3</sup> Castañeda has also comprehensively failed to comply with our rules of appellate procedure. His opening brief lacks any statement of the case, facts, or the issues. See Ariz. R. Civ. App. P. 13(a)(4)-(6). And, to the extent he makes any discernable legal argument, it is without any citation to legal authority or the record. See Ariz. R. Civ. App. P. 13(a)(7)(A) (appellant must present “supporting reasons for each contention, . . . with citations of legal authorities and appropriate references to the portions of the record on which appellant relies”). Thus, even were we conclude we had jurisdiction to consider his appeal, Castañeda’s failure to abide by our rules of procedure would warrant finding his claims waived. See *Polanco v. Indus. Comm’n*, 214 Ariz. 489, n.2, 154 P.3d 391, 393 n.2 (App. 2007) (waiver based on failure to comply with appellate procedural rules); see also *In re \$26,980 U.S. Currency*, 199 Ariz. 291, ¶ 28, 18 P.3d 85, 93 (App. 2000) (court will not consider appellant’s bald assertion offered without elaboration or citation to legal authority).