

NOT DESIGNATED FOR PUBLICATION

TREMEKIA J. BOYKINS * **NO. 2006-CA-1277**
VERSUS * **COURT OF APPEAL**
DARREN J. BOYKINS * **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**

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APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2002-9081, DIVISION "DRS-1 C"
Honorable Sidney H. Cates, Judge

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Judge Patricia Rivet Murray

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(Court composed of Judge Patricia Rivet Murray, Judge James F. McKay, III, Judge Michael E. Kirby)

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IN PROPER PERSON- DEFENDANT/APPELLANT

AFFIRMED

This appeal arises from a petition for nullity filed by the defendant, Darren Boykins. The trial court found that Mr. Boykins's petition sought to annul three prior judgments rendered in this protracted divorce litigation; namely: (i) the October 2, 2002 spousal support judgment; (ii) the June 25, 2003 divorce judgment; and (iii) the June 27, 2003 consent judgment.

Finding Mr. Boykins failed to substantiate his allegations that any of these judgments should be annulled, the trial court dismissed the nullity action. In so doing, the trial court also stated that Mr. Boykins had filed an earlier nullity action and that it dismissed that earlier nullity action on an exception of no cause of action. Based on its earlier ruling, the trial court cited the doctrine of *res judicata* as one of its grounds for dismissing the instant nullity action.

On appeal, Mr. Boykins argues that the trial court erred in dismissing his nullity action. As the party seeking to annul final judgments, Mr. Boykins had the burden of proving the applicable requirements for nullity of judgment under La. C.C.P. arts. 2001-06. The trial court found he failed to carry his burden of proof. We agree. The record on appeal is devoid of any evidence supporting Mr. Boykins's allegations.

For the foregoing reasons, the judgment of the trial court dismissing the nullity action is affirmed. The costs of this appeal are assessed against

Mr. Boykins.

AFFIRMED