

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

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MELINDA GABRIELLA VALENZUELA,  
*Plaintiff/Appellant,*

*v.*

RAMON CRUZ,  
*Defendant/Appellee.*

No. 2 CA-CV 2016-0071  
Filed September 21, 2016

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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NOT FOR PUBLICATION  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 Pinal County  
No. S1100CV201501259  
The Honorable Stephen F. McCarville, Judge

**APPEAL DISMISSED**

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Melinda G. Valenzuela, Buckeye  
*In Propria Persona*

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**MEMORANDUM DECISION**

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

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STARING, Judge:

¶1 Melinda Valenzuela appeals the trial court’s judgment dismissing the case without prejudice for failure to submit proof of service.<sup>1</sup> We lack jurisdiction and therefore dismiss Valenzuela’s appeal.

**Factual and Procedural Background**

¶2 Valenzuela, an inmate in the Arizona Department of Corrections, filed suit against Ramon Cruz alleging he caused Valenzuela to suffer “severe damage and bodily harm and emotional and mental anguish.” The trial court ultimately dismissed the suit, “without prejudice,” as Valenzuela had failed “to submit verification that the Defendant[] had been properly served.” *See* Ariz. R. Civ. P. 4(i). This appeal followed.

¶3 We have an independent duty to examine whether we enjoy jurisdiction over matters on appeal. *See 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 where it “is not a final determination of the controversy on its merits, and is no bar to the prosecution of another suit timely 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), where non-final order “‘in effect determines the action,’ as any refiled action would be barred” by statute of

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<sup>1</sup>In her opening brief, Valenzuela focuses on the trial court’s denial of her request for a deferral of fees for service of process, which she also purports to appeal. Because the court dismissed Valenzuela’s complaint without prejudice, we lack jurisdiction over the entirety of Valenzuela’s appeal.

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limitations), *quoting McMurray v. Dream Catcher USA, Inc.*, 220 Ariz. 71, ¶ 4, 202 P.3d 536, 539 (App. 2009). Valenzuela has not argued that such an 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). 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). Parties conducting themselves in *propria persona* 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.

**Disposition**

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