

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

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MELINDA GABRIELLA VALENZUELA,  
*Plaintiff/Appellant,*

*v.*

THE STATE OF ARIZONA,  
*Defendant/Appellee.*

No. 2 CA-CV 2016-0128  
Filed November 8, 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NOT FOR PUBLICATION  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. S1100CV201501971  
The Honorable Richard T. Platt, Judge Pro Tempore

**APPEAL DISMISSED**

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Melinda Gabriella Valenzuela, Buckeye  
*In Propria Persona*

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**MEMORANDUM DECISION**

Chief Judge Eckerstrom authored the decision of the Court, in which  
Presiding Judge Vásquez and Judge Miller concurred.

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VALENZUELA v. STATE  
Decision of the Court

E C K E R S T R O M, Chief Judge:

¶1 Melinda Valenzuela attempts to appeal from the trial court's order dismissing her case. Because the court's order dismissed her case without prejudice, it was not an appealable order. We therefore lack jurisdiction to address her appeal.

¶2 On February 8, 2016, the trial court dismissed Valenzuela's claims without prejudice and granted her sixty days to file an amended complaint. On June 9, 2016, the court found Valenzuela had not filed an amended complaint and again dismissed the case. The court did not specify whether it was dismissing the case with or without prejudice. We therefore assume the trial court intended to dismiss without prejudice. *See Osuna v. Wal-Mart Stores, Inc.*, 214 Ariz. 286, ¶ 10, 151 P.3d 1267, 1270 (App. 2007). A dismissal without prejudice is generally not a final, appealable order. *McMurray v. Dream Catcher USA, Inc.*, 220 Ariz. 71, ¶ 4, 202 P.3d 536, 539 (App. 2009). We therefore lack jurisdiction to hear this case, and the appeal is dismissed.