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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

SILVER HILLMAN,

Plaintiff and Respondent,

v.

WILLIAM JACOB,

Defendant and Appellant.

B289541

(Los Angeles County
Super. Ct. No. BQ049652)

APPEAL from orders of the Superior Court of Los Angeles County, Rolf M. Treu, Judge. Appeal dismissed.

William Jacob, in propria persona, Defendant and Appellant.

No appearance for Silver Hillman, Plaintiff and Respondent.

William Jacob, representing himself, seeks to appeal from (1) a domestic violence restraining order issued—and then renewed— by the superior court, and (2) a subsequent order denying his motion to terminate the renewed restraining order. The renewed restraining order has now expired. Jacob presents various arguments that the restraining order should not have been granted or renewed, and his motion to terminate should have been granted. We dismiss as moot his appeal from the order denying the motion to terminate and dismiss as both moot and untimely any purported appeal from the orders entering and renewing the now-expired restraining order.

FACTUAL AND PROCEDURAL BACKGROUND

Silver Hillman and William Jacob were involved in a romantic relationship. Hillman ended the relationship in 2014, when Jacob became violent. Thereafter, Jacob began threatening and harassing Hillman in person and via cellphone text messages and online postings.

On August 4, 2015, the superior court, Judge Robert E. Willett (now retired), issued a one-year domestic violence restraining order against Jacob, which included personal conduct and stay away orders with respect to Hillman.¹

On August 12, 2015, Jacob filed a motion, in propria persona, to terminate the restraining order. Judge Willett heard and denied the motion on November 16, 2015. Jacob did not

¹ Although Jacob, who apparently resided in Nevada at the time, did not appear at the hearing, the court found he had been properly served with notice. An attorney informed the court that he had spoken to Jacob, but had not been retained.

appear at the hearing, but was represented by counsel. Jacob did not pursue an appeal.

On December 2, 2015, Jacob again moved, in propria persona, to terminate the restraining order. Judge Willett denied that motion on December 9, 2015.

On July 18, 2016, Hillman requested the domestic violence restraining order be renewed. At the July 18, 2016 hearing, Jacob represented himself, waived any defect in service and testified against Hillman's request. Following argument, the superior court, Laura Hymowitz, temporary judge, ordered the restraining order extended for three years.² Jacob did not appeal from the order.

On December 9, 2016, Jacob filed a motion to "End Restraining Order," by which he meant the renewed restraining order. The superior court, Judge Rolf M. Treu, took the motion off calendar on January 17, 2017 for defective service. Jacob again filed the motion on April 26, 2017. This time the motion was denied on June 5, 2017 for lack of service and defective pleadings.

On January 17, 2018, still representing himself, Jacob filed a motion to "terminate injunction" (the renewed restraining order), which was denied for improper service.

On February 28, 2018, Jacob again moved to terminate the renewed restraining order. Judge Treu issued a written opinion on April 10, 2018, denying the motion. Jacob timely filed a notice of appeal from that order.

² Although at the hearing, the temporary judge stated she was extending the restraining order for three years from the date of the hearing, i.e. until July 18, 2019, her written order to renew the domestic violence restraining order, on form DV-730, indicates the renewed restraining order would expire on August 4, 2019.

DISCUSSION

Jacob's notice of appeal indicates he is challenging the April 10, 2018 order denying his motion to terminate the renewed restraining order. In his opening brief, however, Jacob faults the superior court for issuing the original and renewed restraining orders as well as for denying his most recent motion to terminate the renewed restraining order.

At the outset, we note the renewed restraining order expired on August 4, 2019, before we considered this appeal. Where, as here, the relief granted by the superior court is temporal and expires before an appeal can be heard, the appeal is moot. (*Environmental Charter High School v. Centinela Valley Union High School Dist.* (2004) 122 Cal.App.4th 139, 144.) Jacob's opening brief concedes, "[a]s the order expires soon, this is about principle" He does not address whether any discretionary exceptions to the rule of mootness apply and has, therefore, forfeited any argument that exceptions apply. (*Id.* at p. 144.) Thus, Jacob's appeal is moot and is dismissed on that basis. Hillman did not file a respondent's brief. In any event, we find no other justification for reversing the superior court's orders in this case.

A. Restraining Orders

Jacob contends when the superior court issued the restraining orders, it lacked personal jurisdiction, violated due process and was barred by res judicata. Because the only notice of appeal was filed on April 18, 2018, any purported appeal from the August 2015 restraining order and the July 2016 renewed restraining order must be dismissed as untimely; time to appeal

from those orders had long since passed. (Cal. Rules of Court, rule 8.104.)

Furthermore, Jacob's contentions are forfeited because he has failed to present any legally cognizable arguments on appeal. Instead, Jacob has set forth what he perceives as statements of the law followed by sentences of unsupported factual assertions that generally rely on matters outside the record. Jacob's failure to present reasoned arguments by applying relevant law to the evidence, with citations to the record, constitutes forfeiture of his claims on appeal. (See *Hodjat v. State Farm Mutual Automobile Ins. Co.* (2012) 211 Cal.App.4th 1, 10; *Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.)

B. Motion To Terminate the Renewed Restraining Order

To prevail on a motion to terminate a domestic violence restraining order, the moving party must demonstrate (1) a material change in the facts, (2) a change in the law, or (3) the ends of justice support the relief sought. (*Loeffler v. Medina* (2009) 174 Cal.App.4th 1495, 1504.) We agree with Judge Treu's findings that Jacob failed to satisfy any grounds for terminating the renewed restraining order. Similar to his brief on appeal, Jacob's motion to terminate consists of conclusory statements of law (e.g. lack of subject matter jurisdiction, lack of personal jurisdiction, barred by res judicata), without any pertinent coherent factual or legal analysis. Accordingly, Jacob has failed to show the superior court erred in denying the motion.

DISPOSITION

To the extent the appeal is from the domestic violence restraining orders of August 2015 and July 2016, the appeal is dismissed as both moot and untimely. To the extent the appeal is from the April 10, 2018 order denying the motion to terminate the renewed domestic violence restraining order, the appeal is dismissed as moot. Jacob is to bear his own costs on appeal.

CURREY, J.

We concur:

WILLHITE, Acting P.J.

COLLINS, J.