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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

DARRELL L. MOORE,

Plaintiff and Appellant,

v.

THE PEOPLE OF THE STATE
OF CALIFORNIA et al.,

Defendants and Respondents.

B234484

(Los Angeles County
Super. Ct. No. BC426543)

APPEAL from an order of the Superior Court of Los Angeles County, Rita Miller,
Judge. Affirmed.

Darrell L. Moore, in pro. per., for Plaintiff and Appellant.

No appearance for Defendants and Respondents.

Darrell L. Moore appeals from the trial court's order dismissing the action after Moore failed to demonstrate he had served the named defendants with the amended complaint. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On November 30, 2009 Moore, representing himself, filed a complaint against The People of the State of California, Scott Kerman and four other individuals, all of whom are alleged to be wardens or associate wardens of several state correctional facilities. The complaint sought \$8 septillion in damages for breach of contract and violation of state regulations prohibiting employees of the California Department of Corrections and Rehabilitation (Department) from engaging in any employment or activity inconsistent with or incompatible with employment by the Department. Moore amended his complaint twice. The second amended complaint sought \$4 duodecillion in damages.¹ None of the defendants filed a responsive pleading in the case.

Although the record on appeal does not include many of the trial court's orders in the case, the civil case summary shows the court issued multiple orders during the pendency of the action admonishing Moore to file proofs of service before seeking to obtain a default judgment. On May 16, 2011 the trial court denied Moore's request for default and issued an order to show cause as to why the case should not be dismissed for failure to file proofs of service with the court.² The court stated in its order that, unless proper proofs of service were filed by the next hearing date, the case would be dismissed.

¹ The second amended complaint, like its predecessors, is incomprehensible. Apart from its prayer for \$4 duodecillion in damages and request for \$57.5 million in attorney fees, the complaint cites numerous provisions of the Penal Code, Vehicle Code and Code of Civil Procedure, as well as United States Bankruptcy Code sections, in support of nonsensical and indecipherable paragraphs that give little or no indication of the nature of the action.

² Moore's previous attempts to obtain a default against various public figures, including President Barack Obama, Governor Arnold Schwarzenegger, Steven Spielberg, "Schmidt family Google" and Mayor Antonio Villaraigosa were denied on the ground the persons against whom default was sought had not been named as defendants in the complaint.

On June 29, 2011 the court dismissed the case with prejudice on the ground Moore had repeatedly failed to comply with court orders and rules.

DISCUSSION

Simply put, the substance of Moore's appellate brief is incomprehensible, and he has failed to include any proper citation to the record or pertinent argument or legal authority in violation of California Rules of Court, rule 8.204(a)(1)(B) through (C) and (a)(2)(A) through (C). We acknowledge a self-represented litigant's understanding of the rules on appeal are, as a practical matter, more limited than an experienced appellate attorney's. Whenever possible, we do not strictly apply technical rules of procedure in a manner that deprives litigants of a hearing. However, when, as here, the total lack of compliance with the California Rules of Court results in our inability to conduct a meaningful review of the trial court's decision, we cannot ignore the fundamental rules of appellate practice. (See *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.)

Because the trial court's order is presumptively correct (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564) and Moore has failed to provide any meaningful argument challenging the court's order, we have no choice but to consider his arguments forfeited or abandoned.³ (See *In re Sade C.* (1996) 13 Cal.4th 952, 954 [if appellant fails to raise claims of reversible error, supported by argument and authority, he may, in the court's discretion, be deemed to have abandoned his appeal]; *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115 ["reviewing court is not required to make an independent, unassisted study of the record in search of error or grounds to support the judgment"]; *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979 [appellate court "is not required to discuss or consider points which are not argued or which are not

³ Moore's request to file supplemental documents with this court, none of which complies with the California Rules of Court or clarifies the basis for his appeal, is denied.

supported by citation to authorities or the record”]; accord, *Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 546.)⁴

DISPOSITION

The order of dismissal is affirmed.

PERLUSS, P. J.

We concur:

WOODS, J.

JACKSON, J.

⁴ While we are uncomfortable with speculating as to the nature of Moore’s argument on appeal, the record provided by Moore does not include any evidence that proper proofs of service of the operative second amended complaint were filed with the trial court. Under the circumstances, including the repeated warnings provided by the trial court and Moore’s failure to comply, it would appear the court was well within its discretion in dismissing this action with prejudice. (See Cal. Rule of Court, rule 3.110(f) [“[i]f a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions should not be imposed”]; Gov. Code, § 68608, subd. (b) [“[j]udges shall have all the powers to impose sanctions authorized by law, including the power to dismiss actions or strike pleadings, if it appears that less severe sanctions would not be effective after taking into account the effect of previous sanctions or previous lack of compliance in the case”]; Code Civ. Proc., § 575.2 [authorizing court to dismiss action, following notice and a hearing, as sanction for violating local court rules].)