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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

ISAABEL AQUINO,

Plaintiff and Respondent,

v.

BEATRIZ JIMENEZ,

Defendant and Appellant.

B237159

(Los Angeles County  
Super. Ct. No. NS023189)

APPEAL from a judgment of the Superior Court of Los Angeles County, Michele E. Flurer, Judge. Dismissed.

Greines, Martin, Stein & Richland and Cynthia E. Tobisman for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Beatriz Jimenez appeals from a civil harassment restraining order granted by the trial court in favor of her neighbor Isaabel Aquino. We dismiss the appeal as moot.

**FACTUAL AND PROCEDURAL BACKGROUND<sup>1</sup>**

<sup>1</sup> Because the appeal is dismissed, we need not discuss the facts asserted in detail.

On September 22, 2011, Aquino filed a petition for a restraining order against her neighbor Jimenez. At the hearing on October 11, 2011, the trial court granted Aquino's petition, issuing a one year restraining order, which was to expire on October 6, 2012. Jimenez filed a timely appeal.

## **DISCUSSION**

In California, “[i]t is well settled that an appellate court will decide only actual controversies.” (*Daily Journal Corp. v. County of Los Angeles* (2009) 172 Cal.App.4th 1550, 1557.) Appeals in which the relief sought is for a limited period of time and expires before review are moot. (See *Environmental Charter High School v. Centinela Valley Union High School Dist.* (2004) 122 Cal.App.4th 139, 144.) The restraining order against Jimenez was for the limited period of one year and expired on October 6, 2012. As a result, there is no longer an actual controversy and this court can no longer provide effective relief. (See *MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 214.)

Jimenez claims her appeal is not moot for four reasons. First, her information is now entered in the California Law Enforcement Telecommunications System (CLETS) and could be admissible evidence of habitual offender status to support enhancement allegations. Second, social workers conduct a CLETS search for all members of a household when placing a child with a person who is not a licensed or certified foster parent. Third, some court proceedings require the consideration of past restraining orders in making a decision for a new one. Fourth, Jimenez's public record can be viewed online for a small fee, and therefore, she has the right to clear her name.

None of these arguments arises from an actual controversy related to the underlying dispute. As to the first three grounds, appellant does not claim, and the record does not demonstrate, that any of these consequences is reasonably likely to affect her in the future. Claims concerning highly speculative potential implications of an expired restraining order cannot be the basis for review on appeal.

As to the fourth, while clearing one's name can serve as an exception permitting review of a moot appeal in the criminal context (see *People v. DeLong* (2002) 101 Cal.App.4th 482, 486-490), it does not provide a basis for review of a moot civil case.

In civil cases, there are three established exceptions to the mootness doctrine: ““(1) when the case presents an issue of broad public interest that is likely to recur [citation]; (2) when there may be a recurrence of the controversy between the parties [citation]; and (3) when a material question remains for the court's determination [citation].”” (*Malatka v. Helm* (2010) 188 Cal.App.4th 1074, 1088.) None of these discretionary exceptions applies. First, Jimenez has identified no issues of broad public interest that arise from this case. Second, there is no reason to expect that the controversy will recur. Finally, Jimenez has not asserted there is any material question underlying the initial controversy left unresolved.

### **DISPOSITION**

The appeal is dismissed. Each party is to bear its own costs.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.