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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

J.M.,

Plaintiff and Respondent,

v.

L.H.,

Defendant and Appellant.

E053375

(Super.Ct.No. TED006074)

OPINION

APPEAL from the Superior Court of Riverside County. Mark Ashton Cope, Judge. Dismissed.

L.H., in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

L.H. (Mother) and J.M. (Father) share a daughter, A.H. The central issue in Mother's and Father's litigation is child custody. The family court determined Mother is a vexatious litigant. (Code Civ. Proc., § 391, subd. (b).) In April 2011, the trial court denied Mother's request to file a motion. Mother contends the family court erred by denying her request to file a motion. We dismiss the appeal as moot.

## PROCEDURAL HISTORY

On March 4, 2010, Mother was deemed a vexatious litigant. In April 2011, Mother requested permission to file new litigation. Specifically, Mother wanted to file a motion to quash and dismiss the vexatious litigant finding. On April 27, 2011, the Assistant Presiding Judge of the Superior Court denied Mother's request to file the motion. Mother's notice of appeal concerns the ruling made on April 27, 2011. On January 10, 2014, the trial court vacated the finding Mother is a vexatious litigant.<sup>1,2</sup>

## DISCUSSION

Mother contends the family court erred in 2011 by denying her permission to file a motion to quash or dismiss the vexatious litigant finding. "When no effective relief can be granted, an appeal is moot and will be dismissed. [Citation.]" (*In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315-1316.) The finding that Mother is a vexatious litigant has been vacated by the trial court. We can offer Mother no further relief in regard to her motion. If we reversed the matter and directed the trial court to file the motion and hold a hearing, there would be no vexatious litigant finding to quash or dismiss. Accordingly, we dismiss Mother's appeal as moot.

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<sup>1</sup> In a separate order, we took judicial notice of the January 10, 2014, minute order in Riverside County Superior Court case No. TED006074. (Evid. Code, § 452, subd. (d).)

<sup>2</sup> The minute order reflects the court vacated the vexatious litigant finding made on "3/04/09." We infer this is a typographical error, as the vexatious litigant finding was originally entered on March 4, 2010—not 2009.

**DISPOSITION**

Mother’s appeal is dismissed as moot. The parties are to bear their own costs on appeal.

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MILLER  
J.

We concur:

RAMIREZ  
P. J.

RICHLI  
J.