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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

ANDREA LEOPOLDO,

Respondent,

v.

KALEO LEOPOLDO,

Appellant.

E077596

(Super.Ct.No. FAMMS2100080)

OPINION

APPEAL from the Superior Court of San Bernardino County. John W. Burdick, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Kaleo Leopoldo, in pro. per., for Appellant.

No appearance for Respondent.

Appellant Kaleo Leopoldo¹ appeals from an order granting his ex-wife respondent Andrea Leopoldo a domestic violence restraining order (DVRO) pursuant to the

¹ For the sake of clarity, we refer to the parties by their first names. We mean no disrespect. (See *In re Marriage of Pletcher* (2021) 68 Cal.App.5th 906, 909, fn. 1.)

Domestic Violence Prevention Act. (Fam. Code, § 6200 et seq.) Although Kaleo couches his claim of error as a lack of substantial evidence to support the order and/or an abuse of discretion by the trial court, his argument is based instead on Andrea's failure to serve him with her request to continue the hearing on the DVRO. Andrea has not filed a respondent's brief, but we may only reverse if Kaleo meets his burden of establishing prejudicial error. (Cal. Rules of Court, rule 8.220(a)(2); *City of Desert Hot Springs v. Valenti* (2019) 43 Cal.App.5th 788, 792, fn. 5.)

This appeal is suitable for resolution by memorandum opinion pursuant to standard 8.1 of the California Standards for Judicial Administration. We affirm.

I. PROCEDURAL BACKGROUND

The underlying facts as alleged in Andrea's petition and Kaleo's response are irrelevant to the claim of error on appeal. On March 8, 2021, the trial court granted Andrea's ex parte application for a temporary restraining order (TRO) against Kaleo and set a hearing on March 30 for a DVRO. Kaleo was personally served with the TRO and, on March 23, the trial court granted his request to continue the hearing to April 20. At the continued hearing, the trial court granted Kaleo's oral request to continue the hearing to May 26. On May 24, the trial court granted Andrea's written request to continue the hearing and set it for June 22. Finally, on June 18 the trial court granted Kaleo's request to reschedule the hearing and set the matter for July 20.

Kaleo failed to appear at the continued hearing on July 20, 2021. The trial court granted Andrea's request for a DVRO that day, and Kaleo timely appealed.

II. DISCUSSION

As Kaleo contends the record on appeal (including the register of actions) does not reflect that Andrea served him with the May 24, 2021 request to continue the hearing. But, the trial court subsequently granted Kaleo’s own request to reschedule the hearing and set it for July 20. And, when Kaleo did not appear, the trial court stated, “he knows of today’s hearing.” Because Kaleo cannot demonstrate he was prejudiced by any lack of notice from Andrea’s failure to serve him with her earlier continuance request, we must affirm. (Cal. Const., art. VI, § 13; Code Civ. Proc., § 475.)

III. DISPOSITION

The order is affirmed. Andrea Leopoldo shall recover her costs on appeal, if any. (Cal. Rules of Court, rule 8.278(a)(1).)

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

FIELDS
J.