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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

NICKY C. PASCUAL, Plaintiff and Appellant, v. LEE CARDENAS et al., Defendants and Respondents.	B172733 (Los Angeles County Super. Ct. No. LC059683)

APPEAL from a judgment of the Superior Court of Los Angeles County, Leon S. Kaplan, Judge. Dismissed.

Nicky C. Pascual, in pro. per., and Maxcy D. Filer for Plaintiff and Appellant.

No appearance for Defendants and Respondents.

In February 2002, Nicky Pascual filed a *pro se* complaint against Lee Cardenas and Dorothy Little. The defendants answered and initiated discovery, but Pascual failed to respond and (on motion) the defendants' requests for admissions were deemed admitted. Based on those admissions, the trial court found that Pascual was unable to prove her case and dismissed the action on January 8, 2004. Pascual appeals from that order.

No other facts can be ascertained from the record, which does not include Pascual's complaint or any of the discovery motions leading to the dismissal order.[1] Pascual's *pro se* brief is incomprehensible and unsupported by references to the record, such as it is, and we cannot determine the legal basis for her challenge to the order of dismissal.[2] Since that order is presumptively correct (*Walling v. Kimball* (1941) 17 Cal.2d 364, 373), we consider the appeal abandoned and dismiss it. (Cal. Rules of Court, rule 14(a); *In re Marriage of McLaughlin* (2000) 82 Cal.App.4th 327, 336-337; *County of Kern v. Dillier* (1999) 69 Cal.App.4th 1412, 1424-1425; *Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1116-1120.)

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[1] The record includes a copy of an order by the Supreme Court from which it can be ascertained that the lawyer who represented the defendants in the trial court, Ann Lonergan Smith, was (on January 24, 2003) suspended from the practice of law for one year, but there is nothing to tie that fact to anything relevant to this appeal. The record also includes some papers from another case in which Pascual apparently sued Smith, but we have no idea whether there is a connection between the cases.

[2] Pascual's brief purports to challenge "an impermissibly vague order of dismissal," but the order itself is not included in the record, only the notice of ruling given by defendants.

DISPOSITION

The appeal is dismissed.

NOT TO BE PUBLISHED.

VOGEL, J.

We concur:

SPENCER, P.J.

MALLANO, J.