[Cite as *F.M. v. M.M.*, 2026-Ohio-4362.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

F.M. Appellee v. M.M. Appellant	C.A. No. 31855 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE No. DR-2024-05-1308

DECISION AND JOURNAL ENTRY

Dated: November 4, 2026

FLAGG LANZINGER, Judge.

{¶1} Respondent-Appellant, M.M., appeals the judgment entry of the Summit County Court of Common Pleas Domestic Relations Division denying his motion to vacate a domestic violence civil protection order and his motion to modify and/or terminate the protection order. We affirm.

I.

{¶2} F.M. filed a petition for a domestic violence civil protection order against her father, M.M. The trial court referred the matter to a magistrate. Following a full hearing, a magistrate granted F.M.'s petition and issued a five-year protection order. The trial court adopted the decision that same day. M.M. did not file objections nor did he appeal the order. Several months later, M.M. filed a motion to modify or terminate the protection order and a motion for relief from judgment. The trial court again referred the matter to a magistrate.

{¶3} Following a hearing, the magistrate filed separate decisions denying both motions. The magistrate found that the issues raised in M.M.'s motion for relief from judgment were matters that could have been addressed within an objection or on appeal from the original decision. Consequently, the magistrate determined M.M.'s motion for relief was barred by the doctrine of res judicata. The magistrate denied the motion to modify or terminate after finding M.M. admitted he had repeatedly violated the current DVCPO and that F.M. continued to fear M.M.

{¶4} The trial court adopted both magistrate's decisions the same day they were filed. M.M. filed timely objections. The trial court overruled M.M.'s objections.

{¶5} M.M. appeals, raising one assignment of error.

II.

ASSIGNMENT OF ERROR

> **THE DOMESTIC RELATIONS COURT ERRED AS THE CREDIBLE EVIDENCE OF RECORD IS NOT SUFFICIENT TO SUPPORT THE GRANTING OF A PROTECTION ORDER, OTHER THAN [F.M.] STATED SHE HAS "FEAR" OF [M.M.]. STATING THAT "FEAR" IS THE REASON BEHIND FILING A PROTECTION ORDER IS UNFOUNDED AND DEFECTIVE BECAUSE THE CLAIM OF "FEAR" HAS BEEN INTENTIONALLY PERPETUATED AND ENCOURAGED BY [F.M.]'S MOTHER . . . .**

{¶6} In his stated assignment of error, M.M. asserts the trial court erred because the evidence was insufficient to support the trial court's grant of a DVCPO. For the reasons that follow, we overrule the assignment of error.

{¶7} App.R. 12(A)(1)(b) requires us to determine the appeal on the assignment of error set forth in the brief under App.R. 16. M.M. has appealed from the trial court's order denying his motion for relief from judgment and his motion to modify or terminate the DVCPO. However, M.M. does not contest or raise an argument concerning the trial court's denial of either motion. We will not construct an argument on an appellant's behalf. *Cardone v. Cardone*, 1998 WL

224934, * 8 (9th Dist. May 6, 1998); *see also Anderson v. Maggio*, 2025-Ohio-66, ¶ 12 (9th Dist.), quoting *Xue Juan Chen v. Holder*, 737 F.3d 1084, 1085 (7th Cir. 2013) ("[W]e cannot write a party's brief, pronounce ourselves convinced by it, and so rule in the party's favor."). We limit our analysis accordingly.

{¶8} On appeal, M.M. argues there was insufficient evidence to support the trial court's grant of the initial DVCPO. M.M. did not file a direct appeal of the trial court's initial order granting the DVCPO. Here, M.M. has appealed from the trial court's order denying his motion for relief from judgment and his motion to modify or terminate the DVCPO. "The doctrine of res judicata bars any claims between the parties that were either litigated or could have been litigated in a prior proceeding." *C. K. v. D. K.*, 2022-Ohio-647, ¶ 22 (9th Dist.), citing *Brooks v. Kelly*, 2015-Ohio-2805, ¶ 7. "As issues pertaining to the initial issuance of the protection order could have been raised in a direct appeal, but were not, [M.M.] is now barred from raising them under the doctrine of res judicata." *C.K.* at ¶ 22, citing *Brooks* at ¶ 7.

{¶9} M.M.'s assignment of error is overruled.

III.

{¶10} M.M.'s sole assignment of error is overruled. The judgment of the Summit County Court of Common Pleas Domestic Relations Division is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

JILL FLAGG LANZINGER
FOR THE COURT

STEVENSON, J.
MANNING, J.
CONCUR.

APPEARANCES:

M. M., pro se, Appellant.

F. M., pro se, Appellee.