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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

ALBER BASELIOUS,

Plaintiff and Appellant,

v.

JOSEPH GUIRGUIS,

Defendant and Respondent.

B252282

(Los Angeles County  
Super. Ct. No. KQ017397)

APPEAL from an order of the Superior Court of Los Angeles County.  
Susan Lopez-Giss, Judge. Affirmed.

Alber Baselious, in pro. per., for Plaintiff and Appellant.

No appearance for Defendant and Respondent.

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Alber Baselious, a self-represented litigant, appeals an order denying his request for a domestic violence restraining order. We affirm.

### FACTS

Baselious married Inas Hennawi. Baselious and Hennawi are the parents of a minor child. Baselious claims that Hennawi's sister, Ibtesam Guirguis, and her husband, Joseph Guirguis, do not like Baselious, and that they are verbally and emotionally abusive because Hennawi married Baselious.<sup>1</sup> Baselious claims that Ibtesam and Joseph want Baselious and Hennawi "to get separated."

In August 2013, Hennawi filed requests for domestic violence restraining orders against Ibtesam and Joseph in Los Angeles Superior Court case numbers KQ017366 and KQ017367. Hennawi's complaints advised the superior court that she wanted to protect additional family members, namely, Baselious and their minor child.

On August 30, 2013, the superior court issued a temporary restraining order in case number KQ017367, protecting Hennawi, Baselious, and their minor child. The court set a hearing for September 16, 2013. At some point not clear from the record, Baselious either "dropped" her domestic violence proceedings, or the superior court "dismissed" her proceedings.

On September 9, 2013, Baselious filed requests for domestic violence restraining orders as to Ibtesam and Joseph in Los Angeles Superior Court case numbers KQ017396 and KQ017397. Baselious's current appeal is from case number KQ017397 against Joseph only.<sup>2</sup>

At a hearing on September 26, 2013, Baselious appeared in the superior court to argue case number KQ017397. Joseph appeared at the hearing, represented by counsel. The trial court found "there is clearly some bad blood in [the] family," but also found that the events involving Baselious and Joseph were not "anything other than a family

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<sup>1</sup> We hereafter refer to the Guirguises by their first names to avoid confusion.

<sup>2</sup> Baselious has filed a separate appeal from case number KQ017396 against Ibtesam. We address that appeal in a separate opinion.

dispute.” At the end of the hearing, the court denied Baseliious’s request for a domestic violence restraining order, and dissolved any temporary orders.

In October 2013, Baseliious filed a notice of appeal in case number KQ017397.

### **DISCUSSION**

Baseliious claims the order denying his request for a domestic violence restraining order against Joseph must be reversed because the trial court violated his due process rights. Specifically, Baseliious contends the court denied his right to due process when it denied a restraining order notwithstanding its finding that there was “bad blood” in the family. Further, Baseliious contends the trial court “ignored” his evidence of domestic violence. We find no error.

We review the court’s issuance of a restraining order under the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) for abuse of discretion. (*S.M. v. E.P.* (2010) 184 Cal.App.4th 1249, 1264.) “‘The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.’” (*Gonzalez v. Munoz* (2007) 156 Cal.App.4th 413, 420.) “To the extent that we are called upon to review the trial court’s factual findings, we apply a substantial evidence standard of review.” (*Loeffler v. Medina* (2009) 174 Cal.App.4th 1495, 1505.)

A court may issue a domestic violence prevention restraining order to prevent a recurrence of domestic violence and to ensure a period of separation for the persons who are involved, provided an applicant shows “to the satisfaction of the court” that there has been a “past act or acts of abuse.” (Fam. Code, § 6300.) Abuse includes intentionally or recklessly causing or attempting to cause bodily injury, placing a person in reasonable apprehension of imminent serious bodily injury, or engaging in any behavior that may be enjoined under section Family Code section 6320. (See Fam. Code, § 6203.)

Baselious contends his proof in the trial court was sufficient to support a domestic violence restraining order, and that the denial of such an order amounted to a denial of due process. We do not agree.

The question is whether Baselious's showing demonstrated reasonable proof of abuse, to the trial court's satisfaction. (Fam. Code, § 6300.) Because we do not have a copy of Baselious's application for a restraining order in case number KQ017397 against Joseph, it is difficult to say whether or not Baselious provided reasonable proof of past abuse. Apart from this, Baselious's arguments on appeal do not persuade us to find an abuse of discretion or a denial of due process.

The court considered what was in the request for a restraining order and found that the allegation of domestic abuse was occasioned against Baselious' wife, not Baselious. The court also appeared to question Baselious' credibility as he was arrested for domestic violence against his wife. In the matter before us, there was a reasonable basis for the court to conclude that domestic violence at the hands of Joseph was not going to recur, and an order was therefore not necessary to keep the family separated.

As to the contention that Baselious was denied due process, we are not persuaded. It is true that the trial court ruled against Baselious. But that fact alone does not demonstrate the court violated his due process rights. The trial court considered the request for restraining order and Baselious' arguments. It found Baselious' evidence was not sufficient to support a restraining order and denied his request. Nothing more was required.

#### **DISPOSITION**

The order is affirmed.

BIGELOW, P.J.

We concur:

FLIER, J.

GRIMES, J.