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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

DENNIS STANKIE,

Plaintiff and Appellant,

v.

SUPERIOR COURT COUNTY OF
LOS ANGELES,

Respondent;

PAULA CHIPMAN,

Real Party in Interest and
Respondent.

B271104

(Los Angeles County
Super. Ct. No. BS157798)

APPEAL from an order of the Superior Court of Los Angeles County, Elaine W. Mandel, Judge. Dismissed.

Dennis Stankie, in pro. per., for Plaintiff and Appellant.

Frederick Bennett, County Counsel, for Respondent.

Paula Chipman, in pro. per., for Real Party in Interest and Respondent.

Plaintiff, Dennis J. Stankie, purports to appeal from the January 25, 2016 denial of a motion to correct or cancel the judgment resulting from a small claims appeal. (Code Civ. Proc., § 116.725.¹) Plaintiff filed the motion to correct or cancel the judgment as a mandate proceeding. We have a duty to raise issues concerning our own jurisdiction on our own motion. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) Thus, we issued an order to show cause and permitted the parties to argue the dismissal issue. We conclude plaintiff cannot appeal to the Court of Appeal from the January 25, 2016 denial of his motion to correct or cancel the judgment.

Subject to certain narrow constitutional limitations, there is no right to appeal. (*Lindsey v. Normet* (1972) 405 U.S. 56, 77; *Trede v. Superior Court* (1943) 21 Cal.2d 630, 634.) The California Supreme Court has repeatedly held that the right to appeal is wholly statutory. (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 709, disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 34-35 [“a judgment or order is not appealable unless expressly made so by statute”]; *Skaff v. Small Claims Court* (1968) 68 Cal.2d 76, 78 [“a party possesses no right of appeal except as provided by statute”]; *People v. Keener* (1961) 55 Cal.2d 714, 720, disapproved on another point in *People v. Butler* (1966) 64 Cal.2d 842, 844, [“an order is not appealable unless declared to be so by the Constitution or by statute”]; *People v. Valenti* (1957) 49 Cal.2d 199, 204, disapproved on another point in *People v. Sidener* (1962) 58 Cal.2d 645, 647 [“the right of appeal is statutory and a judgment . . . is not appealable unless it

¹ Future statutory references are to the Code of Civil Procedure.

is expressly made so by statute”]; *Modern Barber Col. v. Cal. Emp. Stab. Com.* (1948) 31 Cal.2d 720, 728 [“the Legislature has the power to declare by statute what orders are appealable, and, unless a statute does so declare, the order is not appealable”]; *Trede v. Superior Court, supra*, 21 Cal.2d at p. 634 [there being no constitutional right of appeal; “the appellate procedure is entirely statutory and subject to complete legislative control”]; *Superior Wheeler Cake Corp. v. Superior Court* (1928) 203 Cal. 384, 386 [“right of appeal is statutory and may be granted or withheld”].) The general list of appealable civil judgments and orders is codified in section 904.1. (*Gastelum v. Remax International, Inc.* (2016) 244 Cal.App.4th 1016, 1022 ; *Walton v. Mueller* (2009) 180 Cal.App.4th 161, 172, fn. 9.) The denial of motion to correct or cancel the judgment resulting from a small claims appeal is not listed in section 904.1.

Further, the gravamen of plaintiff’s mandate petition is the trial court, when conducting the small claims appeal, abused its discretion in various particulars including the merits of a wage dispute. Typically, the results of a small claims appeal are final and not appealable to the Court of Appeal. (§ 116.780, subd. (a); *Dorsey v. Superior Court* (2015) 241 Cal.App.4th 583, 591.) Writ review of the outcome of a small claims appeal is available only when issues of statewide importance or uniformity of application of the law are presented. (*Bricker v. Superior Court* (2005) 133 Cal.App.4th 634, 637-639; Eisenberg, et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2016) ¶ 16:2.7, at pp. 16-4 to 16-5.) The prohibition against post-small claims appellate review applies to virtually any post-judgment attack. (*ERA-Trotter Girouard Assoc. v. Superior Court* (1996) 50 Cal.App.4th

1851, 1854; Eisenberg, et al., *op. cit.*, at p. 16-4.) Thus, plaintiff cannot appeal the denial of his mandate petition.

The appeal is dismissed. Real party in interest, Paula Chipman, shall recover her costs on appeal from plaintiff, Dennis Stankie.

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TURNER, P. J.

We concur:

BAKER, J.

KIN, J. *

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.