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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT,

Plaintiff and Respondent,

v.

LOS ANGELES COUNTY CIVIL
SERVICE COMMISSION,

Defendant and Respondent;

MISTER PUKKA,

Real Party in Interest and
Appellant.

B267357

(Los Angeles County
Super. Ct. No. BS139917)

APPEAL from an order of the Superior Court of Los Angeles County, Joanne B. O'Donnell, Judge. Dismissed.

Law Office of Esteban Lizardo and Esteban Don Lizardo for
Real Party in Interest and Appellant.

McMillion & Hiretensteiner, Sylvia Havens and Janine S. McMillion for Plaintiff and Respondent.

No appearance for Defendant and Respondent.

Mister Pukka, the real party in interest in a writ proceeding, has appealed from an order remanding the proceedings to defendant, Los Angeles County Civil Service Commission. The remand order directed reconsideration of a decision in connection with an employee discharge decision. Plaintiff, County of Los Angeles Probation Department, has moved to dismiss the appeal because in the administrative proceeding context, a remand order is typically not appealable. We agree with plaintiff.

A remand order under these circumstances is not appealable at present. (*Hall v. Superior Court* (2016) 3 Cal.App.5th 792, 797; *City of Carlsbad v. Scholtz* (2016) 1 Cal.App.5th 294, 296; *Village Trailer Park, Inc. v. Santa Monica Rent Control Bd.* (2002) 101 Cal.App.4th 1133, 1139-1140; *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 501-502; *Board of Dental Examiners v. Superior Court* (1998) 66 Cal.App.4th 1424, 1430; *Kumar v. National Medical Enterprises, Inc.* (1990) 218 Cal.App.3d 1050, 1055; *Ng. v. State Personnel Bd.* (1977) 68 Cal.App.3d 600, 607, fn. 1; see 2 Cal. Administrative Mandamus (Cont.Ed.Bar 3d ed. 2016) § 16.11, pp. 16-9 to 16.10.) Further, based on the showing to date, this is not a proper case to treat as a mandate petition. (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 744-747; *Olson v. Cory* (1983) 35 Cal.3d 390, 401-408.)

The appeal is dismissed. Plaintiff, County of Los Angeles Probation Department, and defendant, Los Angeles County Civil Service Commission, shall recover their costs incurred on appeal from real party in interest, Mister Pukka.

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TURNER, P. J.

We concur:

KRIEGLER, 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.