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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTHUR JAMES ROSS, JR.,

Defendant and Appellant.

B255548

(Los Angeles County  
Super. Ct. No. MA028210)

APPEAL from a judgment of the Superior Court of Los Angeles County, Daviann L. Mitchell, Judge. Dismissed.

Jill Ishida, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Arthur J. Ross, purports to appeal from an order denying his motion to recall his sentence. The gravamen of defendant's papers filed in the trial court resemble a habeas corpus petition and a motion to vacate the judgment. We recognized the order under review may not be appealable. We have a duty to raise issues concerning our jurisdiction on our own motion. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) Hence, we issued an order to show cause and calendared the matter of argument which was waived.

We have previously modified the judgment in two separate opinions. (*People v. Ross* (August 15, 2012, B238327) [nonpub. opn.]; *People v. Ross* (Mar. 15, 2006, B179610) [nonpub. opn.].) The denial of a motion to vacate the judgment is, under our circumstances, nonappealable. (*People v. Banks* (1959) 53 Cal.2d 370, 378; *People v. Gallardo* (2000) 77 Cal.App.4th 971, 980.) In some respects, defendant's paperwork resembles a habeas corpus petition. The denial of a habeas corpus petition is not appealable. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876, disapproved on other grounds in *In re Fields* (1990) 51 Cal.3d 1063, 1070, fn. 3.) Further, the gravamen of his motion in the trial court is not a challenge to a jurisdictional error. Thus, we have no jurisdiction to consider defendant's contentions on direct appeal.

The appeal is dismissed.

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TURNER, P. J.

We concur:

KRIEGLER, J.

MINK, J.\*

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