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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

CITY OF SAN DIEGO,

Plaintiff and Respondent,

v.

HUSSAIN D. VAHIDALLAH,

Defendant and Appellant.

D058504

(Super. Ct. No. 37-2009-00099567-
CU-MC-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Joel M. Pressman, Judge. Appeal dismissed.

Hussain D. Vahidallah appeals from a judgment ordering him to pay civil penalties imposed by the City of San Diego (City) for failure to correct violations of the City's municipal code concerning building permits and land use. As we will explain, because Vahidallah's appellate brief does not present an intelligible argument as to why he believes the trial court erred, we deem the appeal to be abandoned and dismiss it on that basis.

FACTUAL AND PROCEDURAL BACKGROUND

The City of San Diego's neighborhood code compliance division issued a civil penalty notice and order (the Notice) to Vahidallah and Mrrim Vahid on October 23, 2008, based on conditions on their real property that violated the City's municipal code.¹ Specifically, the Notice cited (1) the conversion of an existing garage for use as habitable space, including nonpermitted electrical connections; and (2) the keeping of chickens within 50 feet of a residential building and a chicken coop that encroached on the required side yard setback.² The Notice required correction of the code violations within a specific deadline and stated that failure to comply could result in civil penalties at the rate of \$700 per day, plus administrative costs.

On March 19, 2009, an administrative code compliance hearing was held, and neither Vahidallah nor Vahid appeared. The hearing officer found that the code violations had not been corrected and imposed civil penalties and costs in the amount of \$98,944.48. The hearing officer stayed \$88,000 of the penalties pending Vahidallah and Vahid bringing the property into compliance within specific deadlines, leaving \$10,944.48 of the penalty and costs to be paid immediately.

¹ According to the City's administrative enforcement order, Vahidallah transferred the property by quitclaim deed to Vahid in 2005, and Vahidallah resides at the property.

² The Notice also cited code violations based on the presence of an inoperable vehicle within the required front and interior side yard setbacks, but the City later withdrew that allegation.

The City then brought suit against Vahidallah and Vahid for nonpayment of \$10,944.48 in civil penalties and costs. The trial court conducted a bench trial, at which Vahidallah appeared and represented himself. Vahid did not appear, and the City requested that default be entered against her. After the bench trial, the trial court found in favor of the City, and entered judgment against Vahidallah and Vahid in the amount of \$12,928.46.³ Vahidallah, acting in propria persona, filed a notice of appeal.

II

DISCUSSION

While we understand that Vahidallah believes he has been treated unfairly during his interactions with the City's code compliance division and the ensuing administrative and court proceedings, he has not presented an argument to us that is sufficiently clear or developed for us to address it within the confines of this appellate proceeding. Because Vahidallah's brief contains no intelligible legal argument, we are unable to ascertain any legal ground on which Vahidallah contends the judgment should be reversed.⁴

"An appealed-from judgment or order is presumed correct. . . . Hence, the appellant must make a challenge. In so doing, he must raise claims of reversible error or

³ The judgment consists of the principal amount of \$10,944.48, interest of \$1,733.98 and a referral fee of \$250 pursuant to San Diego Municipal Code section 22.1707, subdivision (b). We note that the appellate record, as provided by Vahidallah, contains portions of the superior court file, but does not contain the City's complaint or a reporter's transcript of the bench trial.

⁴ At oral argument, it became apparent that one of Vahidallah's contentions is that the City has purportedly never attempted to speak with him about the code compliance matters at issue here. We note that during oral argument, counsel for the City stated that the City would be willing to meet with Vahidallah regarding this matter.

other defect . . . , and "present argument and authority on each point made" If he does not, he may, in the court's discretion, be deemed to have abandoned his appeal. . . . In that event, it may order dismissal.'" (*Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 544, fn. 8, citations omitted; see also *Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1119 ["failure of an appellant in a civil action to articulate any pertinent or intelligible legal argument in an opening brief may, in the discretion of the court, be deemed an abandonment of the appeal justifying dismissal"].)

Because Vahidallah's appellate brief lacks any intelligible argument as to how the trial court erred, we exercise our discretion to dismiss the appeal as abandoned.

DISPOSITION

We deem the appeal to be abandoned, and we dismiss it on that basis.

IRION, J.

WE CONCUR:

BENKE, Acting P. J.

MCINTYRE, J.