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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

SHWETA SHARMA,

Respondent,

v.

ABHISHEK GOSWAMI,

Appellant.

D062749

(Super. Ct. No. DV035329)

APPEAL from a judgment of the Superior Court of San Diego County, Susan D. Huguenor, Judge. Affirmed.

Abhishek Goswami, in pro. per., for Appellant.

No appearance for Respondent.

This appeal arises out of a five-year domestic violence restraining order (DVRO) the court granted in favor of plaintiff Shweta Sharma and against defendant Abhishek Goswami. On appeal, Goswami, acting in propria person, asserts (1) the court abused its discretion in granting a five-year DVRO, (2) the court did not take into account the length of time the parties had been separated and the geographical distance of the parties, (3)

Sharma did not present facts necessary to demonstrate that an immediate and present danger of domestic violence existed, and (4) defense counsel's performance was ineffective by not allowing Goswami to present evidence beneficial to his defense. We conclude that Goswami has forfeited his claims on appeal because he has failed to support his arguments with citations to the record.

#### FACTUAL AND PROCEDURAL BACKGROUND

In June 2012 Sharma filed her complaint seeking a DVRO. The complaint alleged that Goswami abused Sharma several times during a period from April through December 2011. Goswami responded by denying that any abuse had occurred.

In July 2012 the matter came on for trial. After hearing the testimony of Sharma and Goswami, the court granted a restraining order for a period of five years, finding Sharma to be the more credible witness.

#### DISCUSSION

California Rules of Court, rule 8.204, provides in part:

**"(a) Contents** [¶] (1) Each brief must: [¶] (A) Begin with a table of contents and a table of authorities separately listing cases, constitutions, statutes, court rules, and other authorities cited; [¶] (B) State each point under a separate heading or subheading summarizing the point, and support each point by argument and, if possible, by citation of authority; and [¶] (C) *Support any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears.*" (Italics added.)

"If a party fails to support an argument with the necessary citations to the record, that portion of the brief may be stricken and the argument deemed to have been waived."

*(Duarte v. Chino Community Hospital (1999) 72 Cal.App.4th 849, 856.)*

In his statements of facts, Goswami only provides three citations to the trial record. One citation merely states how long he has been living in the United States and the fact that for a time he lived in Illinois. The other two are to Sharma's DVRO petition, where he disputes her allegations of domestic violence, but again without any citation to the record. The remainder of Goswami's statement of facts, disputing the factual basis for Sharma's DVRO petition, is unsupported by any citation to the record. Therefore, we conclude that Goswami has forfeited his claims on appeal.

We are mindful that Goswami is acting in propria persona. However, a self-represented party on appeal "is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys. [Citation.]" [Citation.] Thus, as is the case with attorneys, pro. per. litigants must follow correct rules of procedure." (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1247.)

#### DISPOSITION

The judgment is affirmed.

NARES, J.

WE CONCUR:

McCONNELL, P. J.

McINTYRE, J.