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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

DOUGLAS HYSELL,

Plaintiff and Appellant,

v.

JAMES YATES, et al.,

Defendants and Respondents.

F064840

(Super. Ct. No. 09CECG04330)

**OPINION**

**THE COURT**\*

APPEAL from orders of the Superior Court of Fresno County. Alan M. Simpson,  
Judge.

Douglas-William Hysell, in propria persona, for Plaintiff and Appellant.

Kamala D. Harris, Attorney General, Jonathan L. Wolff, Senior Assistant Attorney  
General, Thomas S. Patterson and Ellen Y. Hung, Deputy Attorneys General, for Plaintiff  
and Respondent.

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\* Before Cornell, Acting P.J., Gomes, J. and Peña, J.

In November 2009, appellant, Douglas-William Hysell, while incarcerated at Pleasant Valley State Prison (PVSP), filed a complaint against respondents, seven PVSP employees, for intentional tort and breach of contract. Appellant alleges that respondents conspired to interfere with his inmate grievances and took retaliatory action against him.

Appellant challenges two trial court orders issued in the underlying case. Appellant argues the trial court erred in denying his motion to file an amended complaint and in denying his motion for summary judgment.

An order denying a motion to file an amended complaint is not an appealable order. (*Figueroa v. Northridge Hospital Medical Center* (2005) 134 Cal.App.4th 10, 12.) Similarly, no appeal lies from an order denying a motion for summary judgment. (*Whitney's at the Beach v. Superior Court* (1970) 3 Cal.App.3d 258, 261.) Accordingly, appellant has not appealed from an appealable order.

The existence of an appealable order or judgment is a jurisdictional prerequisite to an appeal. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126.) We lack jurisdiction to entertain an appeal from a nonappealable order. (*MinCal Consumer Law Group v. Carlsbad Police Dept.* (2013) 214 Cal.App.4th 259, 263.) Therefore, we must dismiss this appeal. (*In re Mario C.* (2004) 124 Cal.App.4th 1303, 1307.)

#### **DISPOSITION**

The appeal is dismissed. No costs are awarded. (Cal. Rules of Court, rule 8.891, subd. (a)(4).)