

**BENALLY V. JOE**

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**TAMMY BENALLY,**  
Petitioner-Appellee,  
v.  
**PHILLIP JOE,**  
Respondent-Appellant.

NO. 32,129

COURT OF APPEALS OF NEW MEXICO

November 9, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Deborah D.  
Walker, District Judge

**COUNSEL**

Gregory Gahan, Albuquerque, NM, for Appellee

Law Offices of David R. Jordan, PC, Alexander Beattie, II, Gallup, NM, for Appellant

**JUDGES**

CELIA FOY CASTILLO, Chief Judge. WE CONCUR: LINDA M. VANZI, Judge, J.  
MILES HANISEE, Judge

**AUTHOR:** CELIA FOY CASTILLO

**MEMORANDUM OPINION**

**CASTILLO, Judge.**

Summary affirmance was proposed for the reasons stated in the notice of proposed disposition. No memorandum opposing summary affirmance has been filed, and the time for doing so has expired.

Affirmed.

**IT IS SO ORDERED.**

**CELIA FOY CASTILLO, Chief Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**