

CEDRINS V. SHRESTHA

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INARA CEDRINS,
Plaintiff-Appellant,
v.
RAMESH KUMAR SHRESTHA,
Defendant-Appellee.

NO. 30,750

COURT OF APPEALS OF NEW MEXICO

February 18, 2011

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Valerie Mackie
Huling, District Judge

COUNSEL

Inara Cedrins, Chicago, IL, Pro Se Appellant

Ramesh Kumar Shrestha, Albuquerque, NM, Pro Se Appellee

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
JONATHAN B. SUTIN, Judge.

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Appellant (Plaintiff) appeals pro se from the district court's August 27, 2010, order of dismissal with prejudice. [RP 63, 71] Our notice proposed to dismiss, and in response Plaintiff filed a timely "objection to notice of proposed summary disposition." We are not persuaded by Plaintiff's arguments, and therefore dismiss for lack of finality.

As set forth in our notice, Plaintiff below filed an “objection to order of dismissal” [RP 66], which was filed subsequent to the order of dismissal and which we view as comparable to a motion for reconsideration. As we explained in our notice, because the district court has not yet entered a written order ruling on Plaintiff’s post-judgment motion, dismissal is appropriate. See generally *Grygorwicz v. Trujillo*, 2009-NMSC-009, ¶ 8, 145 N.M. 650, 203 P.3d 865 (explaining that, if a party makes a post-judgment motion directed at the final judgment pursuant to . . . Section 39-1-1 . . . the time for filing an appeal does not begin to run until the district court enters an express disposition of that motion).

In response to our notice, Plaintiff expresses her frustration regarding delay in this case [objection 1] and urges this Court to note highlighted matters on her original list of evidence. [objection 1] However, until entry of a written order ruling on Plaintiff’s post-judgment motion, any appeal is premature. See *Dickens v. Laurel Healthcare, LLC*, 2009-NMCA-122, ¶ 6, 147 N.M. 303, 222 P.3d 675 (holding that because resolution of the post-judgment motion could alter, amend, or moot the order that is being challenged, the order is not final and the appeal is premature).

Accordingly, for reasons set forth herein and in our notice, we dismiss.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

JONATHAN B. SUTIN, Judge