

**CITY OF DEMING V. EDWARDS**

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**CITY OF DEMING,  
Plaintiff-Appellee,  
v.  
BILLY EDWARDS,  
Defendant-Appellant.**

NO. 29,712

COURT OF APPEALS OF NEW MEXICO

March 18, 2010

APPEAL FROM THE DISTRICT COURT OF LUNA COUNTY, Daniel Viramontes,  
District Judge

**COUNSEL**

Beall & Biehler PA, Mary T. Torres, Albuquerque, NM , for Appellee

Billy L. Edwards, Deming, NM, Pro se Appellant

**JUDGES**

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
MICHAEL E. VIGIL, Judge

**AUTHOR:** MICHAEL D. BUSTAMANTE

**MEMORANDUM OPINION**

**BUSTAMANTE, Judge.**

Appellant, pro se, appeals from the district court's order dismissing the complaint on Appellee's motion to dismiss. This Court filed a first notice of proposed disposition proposing summary affirmance. Appellant filed two pleadings entitled "Brief-in-Chief" and a "Brief-in-Chief/Memorandum." However, these pleadings did not rectify the

problems with the docketing statement, as enumerated in the first notice. Nor does the memorandum in opposition point out any errors or fact in the law cited in the first notice. “Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.” *Hennesy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683. In addition, the first notice warned Appellant that unless a memorandum in opposition was filed that clearly enumerated the reasons the district court erred in granting Appellee’s motion to dismiss, and the authority in support of each argument, this Court would proceed to affirm the district court. Appellant has not articulated clear legal issues applicable to the appeal, or cited to relevant case law. See *Clayton v. Trotter*, 110 N.M. 369, 373, 796 P.2d 262, 266 (Ct. App. 1990) (stating that this Court will review pro se arguments to the best of its ability, but cannot respond to unintelligible arguments).

For these reasons, and those stated in the first notice of proposed disposition, we affirm the district court.

**IT IS SO ORDERED.**

**MICHAEL D. BUSTAMANTE, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**MICHAEL E. VIGIL, Judge**