

**CITY OF RIO RANCHO V. FROST**

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**CITY OF RIO RANCHO,**  
Plaintiff-Appellee,  
v.  
**DALE FROST,**  
Defendant-Appellant.

NO. 29,998

COURT OF APPEALS OF NEW MEXICO

July 14, 2010

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, John F. Davis,  
District Judge

**COUNSEL**

City of Rio Rancho, James C. Babin, City Attorney, Gina R. Manfredi, Assistant City Attorney, Rio Rancho, NM, for Appellee

Jay R. Mueller, Albuquerque, NM, for Appellant

**JUDGES**

CYNTHIA A. FRY, Chief Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,  
JONATHAN B. SUTIN, Judge

**AUTHOR:** CYNTHIA A. FRY

**MEMORANDUM OPINION**

**FRY, Chief Judge.**

This Court's calendar notice filed on January 13, 2010, proposed summary affirmance. On February 2, 2010, Plaintiff City of Rio Rancho (the City) filed a memorandum in support of the proposed summary affirmance set forth in the calendar notice. Defendant

has not filed a memorandum in opposition, and the time for doing so has passed. Accordingly, for the reasons set forth in this Court's calendar notice, we affirm the order of dismissal and the order denying the motion to reconsider. **AFFIRMED.**

**IT IS SO ORDERED.**

**CYNTHIA A. FRY, Chief Judge**

**WE CONCUR:**

**MICHAEL D. BUSTAMANTE, Judge**

**JONATHAN B. SUTIN, Judge**