

COOK V. WELLS FARGO BANK

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DANIEL W. COOK,
Defendant-Appellant,

v.

WELLS FARGO BANK, N.A.,
SUCCESSOR TO WELLS FARGO BANK
NEW MEXICO, N.A.,
Plaintiff-Appellee.

NO. 29,523

COURT OF APPEALS OF NEW MEXICO

January 27, 2010

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Ted Baca,
District Judge

COUNSEL

Daniel W. Cook, Albuquerque, NM, Pro Se Appellant

Sutin, Thayer & Browne, P.C., Michelle K. Ostrye, Jay D. Hertz, Albuquerque, NM, for
Appellee

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: CELIA FOY CASTILLO, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

Appellant appeals an order granting summary judgment and an order denying various motions filed by Appellant. We proposed to dismiss the appeal in a calendar notice. After the orders were entered below, Appellant filed motions to vacate the summary judgment, to stay the judgment, to hold a new hearing, and to reconsider the summary judgment order. We explained that the orders appealed from were not final for purposes of appeal. In response, Appellant filed a Request for Return of Case to District Court, and Appellee filed a response to Appellant's request. Appellee agrees that the case should be dismissed and remanded to the district court.

Based on the discussion in our calendar notice, we hold that the orders appealed from are not final. We dismiss the appeal and remand the case to the district court.

IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

CELIA FOY CASTILLO, Judge

MICHAEL E. VIGIL, Judge