

DANLEY V. COMPASS

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JUSTIN DANLEY,
Plaintiff-Appellee,
v.
COMPASS BANK, a/k/a,
BBVA COMPASS BANK,
Defendant-Appellant.

NO. 30,727

COURT OF APPEALS OF NEW MEXICO

March 4, 2011

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, James W. Counts,
District Judge

COUNSEL

John R. Hakanson, P.C., Miquel Garcia, Alamogordo, NM, for Appellee

Miller Stratvert, P.A., Charlotte Lamont, James L. Widland, Albuquerque, NM, for
Appellant

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Defendant appeals the entry of default judgment in favor of Plaintiff. We proposed to hold that we have no jurisdiction to hear the appeal because we have been presented

with no final order on Defendant's post-judgment motion to reconsider the default judgment. There is no indication from the record proper or from the district court's case lookup site that a final order was entered in this case. Defendant has filed a response to our proposed disposition, but has not complied with our request for a final order from the district court.

Defendant asks this Court to remand the case to the district court "for a substantive hearing on [Defendant's] Motion to Set Aside Default Judgment." As explained in our notice, without a final order from the district court, we do not have jurisdiction over this appeal, and we are without jurisdiction to address the merits of the appeal or to grant any other relief requested by Defendant. We dismiss the appeal for the reasons discussed in our calendar notice.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

MICHAEL E. VIGIL, Judge