

DAVIS V. SUNICO-DAVIS

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**SHAYNE DAVIS,
Petitioner-Appellant,
v.
FEBIE SUNICO-DAVIS,
Respondent-Appellee.**

NO. 35,491

COURT OF APPEALS OF NEW MEXICO

December 22, 2016

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY, Jane Shuler Gray,
District Judge

COUNSEL

Shayne Davis, Carlsbad, NM, Pro Se Appellant

Febie Sunico-Davis, Carlsbad, NM, Pro Se Appellee

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, M. MONICA ZAMORA, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Father has appealed orders entered by the district court concerning the ability of Mother to temporarily take Child out of the country for a visit to relatives, as well as placing restrictions on the parties' communications with each other and the manner in which they serve pleadings on each other. We issued a notice of proposed summary

disposition proposing to dismiss in part for mootness, and to affirm in part. Father initially filed a request for an extension of time in which to file his memorandum in opposition as well as a “request for leave from appeal.” We granted the requested extension, and established the due date for the memorandum in opposition as November 14, 2016. To date, no memorandum in opposition has been filed. In addition, upon further review it appears that Father’s “request for leave from appeal” is a request for voluntary dismissal of this appeal. Therefore, based on the failure to timely file a memorandum in opposition as well as the fact that Father apparently no longer wishes to pursue this appeal, we dismiss in part and affirm in part as discussed in the notice of proposed summary disposition.

{2} IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

M. MONICA ZAMORA, Judge