

**DUNN V. DUNN**

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 Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions.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.

**BLAIR DUNN,**  
Petitioner-Appellant,  
v.  
**LELA DUNN n/k/a LELA HUNT,**  
Respondent-Appellee.

No. 33,149

COURT OF APPEALS OF NEW MEXICO

December 3, 2013

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Elizabeth E.  
Whitefield, District Judge

**COUNSEL**

Geer, Wissel & Levy, P.A., Maria Garcia Geer, Albuquerque, NM, L. Helen Bennett,  
Albuquerque, NM, for Appellant

Tandy Hunt, Roswell, NM, for Appellee

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge,  
JAMES J. WECHSLER, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

{1} Petitioner seeks to appeal from an order in the underlying domestic relations action. We previously issued a notice of proposed summary disposition in which we proposed to dismiss for want of a final order. Petitioner has filed a memorandum in

opposition, which we have duly considered. Because we remain unpersuaded that this matter is properly before us, we dismiss the appeal.

{2} As described at greater length in the notice of proposed summary disposition, the district court's order resolved a number of custody and timesharing issues. However, the question of child support remains outstanding. In light of the pendency of this matter, we observed that it would be both inappropriate and imprudent to consider an appeal at this juncture. *See, e.g., Gutierrez v. Gutierrez*, 1993-NMCA-103, ¶ 3, 116 N.M. 86, 860 P.2d 216 (dismissing an appeal for want of a final order where a request for child support had yet to be addressed by the district court).

{3} In his memorandum in opposition Petitioner suggests that the outstanding child support issue should not have any effect on his entitlement to pursue the instant appeal, because in domestic relations cases the district courts retain continuing jurisdiction as a matter of course. [MIO 2-3] However, this reservation of continuing jurisdiction does not obviate our jurisdictional prerequisites. *See Thornton v. Gamble*, 1984-NMCA-093, ¶ 13, 101 N.M. 764, 688 P.2d 1268 (observing that the continuing jurisdiction of the district courts to modify such matters as child support or custody does not make all interlocutory orders in domestic relations cases final for purposes of appeal). In this context, a matter is final for purposes of appeal when all issues raised by the pleadings have been resolved. *Id.* ¶¶ 6, 8. Because the underlying order does not dispose of all pending issues, it is not final for purposes of appeal.

{4} Alternatively, Petitioner invites the Court to consider the instant appeal on the merits pursuant to the doctrine of practical finality, relying on *Burris-Awalt v. Knowles*, 2010-NMCA-083, 148 N.M. 616, 241 P.3d 617. [MIO 3-5] However, the outstanding child support issue cannot be likened to the sort of "administrative loose ends" which remained unresolved in that case. *Id.* ¶ 11. We therefore decline the invitation.

{5} In closing, we acknowledge Petitioner's concerns about delays. [MIO 5] However, this does not alter or diminish the jurisdictional limitations implicated in this case.

{6} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we remain unpersuaded that this matter is properly before us. The appeal is therefore summarily dismissed.

**{7} IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Chief Judge**

**JAMES J. WECHSLER, Judge**