

GUTIERREZ V. GARLY

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ERNEST GUTIERREZ,
Plaintiff-Appellant,
v.
GLORIA GARLY,
Defendant-Appellee.

NO. 30,212

COURT OF APPEALS OF NEW MEXICO

January 20, 2011

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY, John W. Pope,
District Judge

COUNSEL

Ernest Gutierrez, Los Lunas, NM, Pro Se Appellant

Gloria Garly, Los Lunas, NM, Pro Se Appellee

JUDGES

CYNTHIA A. FRY, Chief Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: CYNTHIA A. FRY

MEMORANDUM OPINION

FRY, Chief Judge.

Plaintiff appeals an order dismissing his complaint with prejudice. In this Court's second notice of proposed summary disposition, we proposed to reverse. Defendant has not filed a memorandum in opposition, and the time to do so has passed. Plaintiff has filed a memorandum in support, with the caveat that he wishes to clarify that his complaint

alleged that Plaintiff's attorney telephoned Defendant and Plaintiff's daughter, informing them that they should pick up Plaintiff's equipment and personal belongings from the motel. [RP 8] Because no party opposes our second proposed summary disposition, we reverse for the reasons provided in our second notice.

IT IS SO ORDERED.

CYNTHIA A. FRY, Chief Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

MICHAEL E. VIGIL, Judge