

MARTIN V. HERRING

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KYLE J. MARTIN,
Petitioner-Appellant,
v.
SHONNA L. HERRING,
Respondent-Appellee.

NO. 31,123

COURT OF APPEALS OF NEW MEXICO

November 3, 2011

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Ralph D. Shamas,
District Judge

COUNSEL

Kyle J. Martin, Roswell, NM, Pro Se Appellant

Kraft & Hunter LLP, Dustin K. Hunter, Roswell, NM, for Appellee

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

Father appeals the district court's order awarding attorney fees and a witness fee to Mother. We proposed to affirm in part and reverse in part in a calendar notice. We have received no memorandum in opposition to our calendar notice and the time for doing so has passed. See *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App.

1993) (“Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice.”). We therefore affirm the judgment for attorney fees in favor of Mother, we reverse the award of a witness fee to Mother, and we direct the district court to adjust the judgment accordingly.

IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

TIMOTHY L. GARCIA, Judge