

SAUNDERS V. RODRIGUEZ

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NICKIE SAUNDERS,
Petitioner-Appellant,
v.
KAITLYNN RODRIGUEZ and
ROBERT GARCIA,
Respondents-Appellees.

No. 34,575

COURT OF APPEALS OF NEW MEXICO

June 23, 2015

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY, Raymond L. Romero,
District Judge

COUNSEL

Nickie Saunders, Carlsbad, NM, Pro Se Appellant

Kaitlyn Rodriguez, Robert Garcia, Carlsbad, NM, Pro Se Appellees

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
JONATHAN B. SUTIN, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Petitioner-Appellant Nickie Saunders (Petitioner) appeals from the district court's order denying her petition to be appointed as the kinship guardian for Donovan H. (Child). On May 21, 2015, this Court issued a notice of proposed disposition wherein we

proposed to affirm the district court's decision. Child's mother filed a document with this Court asserting that she no longer consents to Petitioner being appointed guardian of Child. This information, however, was not before the district court and this Court, therefore, will not consider it on appeal. See *State v. Reynolds*, 1990-NMCA-122, ¶ 16, 111 N.M. 263, 804 P.2d 1082 ("Matters outside the record present no issue for review."). Petitioner, on the other hand, has not filed a memorandum opposing this Court's notice of proposed disposition, and the time for doing so has now passed. See *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287 ("Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice."). Accordingly, we affirm the district court's decision for the reasons articulated in this Court's notice of proposed disposition.

{2} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

JONATHAN B. SUTIN, Judge