

STONE V. PURIFOY

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LEE STONE,
Plaintiff-Appellant,
vs.
FAIRY PURIFOY
Defendants-Appellee

NO. 31,788

COURT OF APPEALS OF NEW MEXICO

April 19, 2012

APPEAL FROM THE DISTRICT COURT OF QUAY COUNTY, Albert J. Mitchell, District
Judge

COUNSEL

John R. Hakanson, Alamogordo, NM, for Appellee

Lee Stone, San Jon, NM, Pro se Appellant

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
JONATHAN B. SUTIN, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

Plaintiff, appearing pro se, appeals from a district court order dismissing his complaint. We proposed to affirm and Plaintiff has responded with a memorandum in opposition. He also purports to be moving to amend the docketing statement. We hereby deny the motion to amend and affirm the district court order.

Defendant's docketing statement raised nine issues challenging a district court order dismissing his defamation complaint with prejudice. [DS 14] Our calendar notice observed that this Court may take judicial notice of our own files. *See State v. Turner*, 81 N.M. 571, 576, 469 P.2d 720, 725 (Ct. App. 1970) (recognizing the Court of Appeals' authority to take judicial notice of its own records). In Ct. App. No. 31,714, *Fairy Purifoy v. Dusty Stone*, Appellant Dusty Stone is appealing, inter alia, from a district court order granting Fairy Purifoy's second motion for protective order or permanent injunction against Lee Stone, Dusty Stone, and any and all siblings, heirs, successors or assigns of Lee Stone or Dusty Stone, filed on October 21, 2011. [Ct. App. No. 31,714 RP 381]. A Decision Letter from that proceeding appears in the record in this case. [RP 34] Given the nature of this order, we continue to conclude that any challenge to the dismissal of the present case would require Lee Stone to have that order set aside. In other words, Plaintiff may not do an end-run around the protective order by bringing a new legal theory against Purifoy to court. Because he has not set aside the protective order, we give effect to this order by affirming the district court ruling in this proceeding.

IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

JONATHAN B. SUTIN, Judge