

<b>TAYS V. TAYS</b>
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**PATRICK D. TAYS,  
Plaintiff-Appellant,**

**v.**

**DAVID F. METLER III, Personal Representative  
of the ESTATE OF S. CRAIG TAYS, Deceased,  
Defendants-Appellees.**

No. A-1-CA-35,973

COURT OF APPEALS OF NEW MEXICO

August 17, 2017

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Angie K. Schneider,  
District Judge

**COUNSEL**

Patrick D. Tays, Ruidoso, NM, Pro se Appellant

Sutin, Thayer, & Browne, APC, Lynn E. Mostoller, Katharine C. Downey, Albuquerque,  
NM, for Appellee

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: LINDA M. VANZI, Chief Judge,  
JONATHAN B. SUTIN, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

{1} Self-represented Plaintiff Patrick D. Tays appeals from the district court's order, entered on September 8, 2016. This Court issued a notice of proposed disposition,

proposing to dismiss the appeal for lack of a final order. Defendants S. Craig Tays and David F. Metler III, personal representative to S. Craig Tays, filed a memorandum in support of our proposed summary disposition. In addition to agreeing with this Court's proposed disposition on the question of finality, Defendants ask this Court to dismiss the appeal based on principles of collateral estoppel and to limit further litigation by Plaintiff on the matters at issue in this case. Plaintiff has not filed a memorandum in opposition, and the time within which he was permitted to do so has expired. Because we do not have jurisdiction, we decline to rule on the additional issues Defendants raise.

**{2}** Accordingly and for the reasons stated in our notice of proposed disposition, we dismiss for lack of a final order.

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

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Chief Judge**

**JONATHAN B. SUTIN, Judge**