

TRUJILLO V. CITY OF ALBUQUERQUE

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MANUEL TRUJILLO,
Plaintiff-Appellant,
v.
CITY OF ALBUQUERQUE,
Defendant-Appellee.

NO. 31,239

COURT OF APPEALS OF NEW MEXICO

July 12, 2011

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Carl J. Butkus,
District Judge

COUNSEL

Manuel Trujillo, Albuquerque, NM, Pro Se Appellant

Robert D. Kidd, Jr., Interim City Attorney, Sarah E. Lough, Assistant City Attorney,
Albuquerque, NM, for Appellee

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

Plaintiff appeals the dismissal of his complaint under Rule 1-012(B)(6) NMRA. We proposed to affirm in a calendar notice, and we have received a memorandum in

opposition and a memorandum in support in response to our notice. We have duly considered Plaintiff's arguments, but we find them unpersuasive. We affirm.

As noted in our calendar notice, a Rule 1-012(B)(6) motion will be upheld if, under any state of facts provable under the claim, the plaintiff cannot recover or obtain relief. *Valdez v. State*, 2002-NMSC-028, ¶ 4, 132 N.M. 667, 54 P.3d 71. Plaintiff's complaint is titled, "Civil Complaint Discrimination," and asks for 1.5 billion dollars from Defendant. Plaintiff states that the claims arise from "numerous discrimination charges from" two metropolitan court cases. [RP 9] An attachment to the complaint lists vandalism, seizure, false arrest, false imprisonment, illegal stop, failure to transport, excessive bail, and "not giving me back my money." [RP 10-11] The complaint does not include any allegations of discrimination. Plaintiff includes no facts that would support a discrimination claim upon which relief could be granted. Plaintiff provides no facts or authority to support what appears to be a claim that he was the target of discrimination or to support his claim that he is entitled to 1.5 billion dollars as a result.

Accepting as true all well-pleaded factual allegations in Plaintiff's complaint, it is clear that Plaintiff cannot recover under any state of facts that are provable under his complaint. *See Valdez*, 2002-NMSC-028, ¶ 4. For the reasons discussed in this opinion and in our calendar notice, we affirm the decision of the district court.

IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

MICHAEL E. VIGIL, Judge