

VIGIL V. BONANZA CREEK RANCH

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DAVID VIGIL,
Plaintiff-Appellant,
v.
BONANZA CREEK RANCH,
Defendant-Appellee.

No. 34,402

COURT OF APPEALS OF NEW MEXICO

April 8, 2015

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Sarah M. Singleton,
District Judge

COUNSEL

David Vigil, Santa Fe, NM, Pro se Appellant

The Simons Firm, LLP, Thomas A. Simons IV, Frieda Simons Burnes, Santa Fe, NM,
for Appellee

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,
CYNTHIA A. FRY, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

{1} Plaintiff, a self-represented litigant, seeks to appeal from a final judgment in the underlying proceedings, as well as one or more orders of the New Mexico Supreme Court. We previously issued a notice of proposed summary disposition, in which we

proposed to dismiss. Plaintiff has filed both a “Response to order denying motion to reconsider and addendum to docketing statement,” and a letter that is in the nature of a memorandum in opposition. We note that although it is not entirely clear whether both of these documents were duly served, Defendant subsequently filed a memorandum in support of the proposed summary disposition. After due consideration, we dismiss the appeal.

{2} To summarize our previous analysis, notice of appeal was not timely filed with respect to the final judgment, and this Court lacks authority to review actions of the New Mexico Supreme Court. In light of these considerations, we proposed to dismiss.

{3} In the first of his responsive filings, Plaintiff does not directly address our notice of proposed summary disposition. Instead, Plaintiff appears to take issue with the denial of a motion to reconsider. The only such order within the record before us is an order of the New Mexico Supreme Court. [RP 474] As previously stated, we lack authority to review this determination. See *State v. Williams*, 1978-NMCA-065, ¶ 2, 91 N.M. 795, 581 P.2d 1290 (observing that “[t]his Court has no authority to review actions of the Supreme Court”). We therefore decline to consider the matter further.

{3} In the second of his responsive filings, we understand Plaintiff to suggest that the pendency of his petition for writ of mandamus and a recusal request with the New Mexico Supreme Court may have tolled the deadline for filing notice of appeal with this Court. However, we are aware of no authority, and Plaintiff has cited none, to support this suggestion. See *generally In re Adoption of Doe*, 1984-NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d 1329 (stating that when a party cites no authority to support an argument, we may assume that no such authority exists). We therefore adhere to our prior assessment of these matters.

{4} In closing, we acknowledge Plaintiff’s continuing belief that the district court has erred. However, this does not alter or diminish the jurisdictional limitations implicated in this case.

{5} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we remain unpersuaded that this matter is properly before us. The appeal is therefore summarily dismissed.

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

JAMES J. WECHSLER, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

CYNTHIA A. FRY, Judge