

ZIA CREDIT UNION V. ROMERO

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ZIA CREDIT UNION,
Plaintiff-Appellee,
v.
GILBERT F. ROMERO,
Defendant-Appellant.

No. 33,097

COURT OF APPEALS OF NEW MEXICO

December 3, 2013

APPEAL FROM THE DISTRICT COURT OF LOS ALAMOS COUNTY, Sheri A.
Raphaelson, District Judge

COUNSEL

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Gilbert F. Romero, Santa Cruz, NM, Pro Se Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, J. MILES HANISEE, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Defendant appeals from the district court's order ruling that Defendant's post-judgment pleadings and notices were without legal efficacy, and further impliedly denying Defendant's arguments as raised in his Rule 1-060(B) NMRA petition. [RP 408] This Court issued a calendar notice proposing summary affirmance. Defendant has filed

a memorandum in opposition to this Court's notice of proposed disposition, which we have duly considered. Unpersuaded, we affirm.

{2} In our calendar notice, we proposed to hold that the district court did not abuse its discretion in denying Defendant relief from judgment or in finding his post-judgment pleadings and notices to be without legal efficacy. [CN 10] Defendant's memorandum in opposition does not point to any specific errors in fact or in law in our calendar notice. See *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.").

{3} Instead, Defendant presents many of the same arguments made in his docketing statement and memorandum of law [RP 350-352]. However, Defendant acknowledges the paucity of legal authority in support of his various positions, stating "[Defendant] is unable to find controlling precedent with regards to much of the information presented herein." [MIO 3] Consequently, Defendant continues to cite out of jurisdiction cases which not only do not stand for the propositions for which they are cited, but also do not support Defendant's legal theories. "[C]ases are not authority for propositions not considered." *Fernandez v. Farmers Ins. Co. of Ariz.*, 1993-NMSC-035, ¶ 15, 115 N.M. 622, 857 P.2d 22 (internal quotation marks and citation omitted). Where a party cites no authority to support an argument, we may assume no such authority exists. *In re Adoption of Doe*, 1984-NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d 1329. Therefore, we remain unconvinced that the district court erred in this case. To the extent that Defendant requests that we "consider his argument regarding the nature of our currency and economic system" [MIO 24], we conclude that such an examination is outside our scope of authority.

{4} For these reasons, and those in our calendar notice, we affirm.

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

MICHAEL E. VIGIL, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

J. MILES HANISEE, Judge