

YSAIS V. YSAIS

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CONSUELO ANGELA YSAIS (n/k/a LEYBA),

Petitioner-Appellee,

v.

CHRISTOPHER YSAIS,

Respondent-Appellant.

NO. 29,915

COURT OF APPEALS OF NEW MEXICO

March 2, 2010

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, Matthew G.
Reynolds, District Judge

COUNSEL

Consuelo Angela Ysais, Rio Rancho, NM, for Appellee

Christopher Ysais, Rio Rancho, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, LINDA
M. VANZI, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

Father, pro se, appeals from the child custody order filed on August 26, 2009, granting sole custody of the child to Mother, and granting visitation rights to Father. We proposed to affirm in a calendar notice. Father responded to that notice with a memorandum in

opposition. We have carefully reviewed Father's arguments, but we are not persuaded that affirmance is not the correct disposition in this case. We therefore affirm.

Father repeats the claims that were included in his docketing statement. In summary calendar cases, such as this, the party who opposes the proposed disposition set out in the calendar notice has the burden of clearly pointing out errors in fact or law in that proposed disposition. See *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683; see also *State v. Ibarra*, 116 N.M. 486, 489, 864 P.2d 302, 305 (Ct. App. 1993); *State v. Sisneros*, 98 N.M. 201, 202-03, 647 P.2d 403, 404-05 (1982). Father has not met that burden. Instead, Father repeats the arguments previously made; the arguments that were fully addressed in our calendar notice.

Therefore, for the reasons discussed in our calendar notice, we affirm the district court's decision.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

LINDA M. VANZI, Judge