

**U.S. BANK V. ROLLIN**

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**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR STRUCTURED  
ASSET SECURITIES CORPORATION  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-BC4,  
Plaintiff-Appellee,  
v.  
ANDRE ROLLIN,  
Defendant-Appellant,  
and  
JOSEPH ROLLIN, HERMAN  
VALDEZ, AND LORETTA VALDEZ,  
Defendants.**

NO. A-1-CA-37154

COURT OF APPEALS OF NEW MEXICO

September 13, 2018

APPEAL FROM THE DISTRICT COURT OF RIO ARRIBA COUNTY, Raymond Z.  
Ortiz, District Judge

**COUNSEL**

Rose L. Brand & Associates, P.C., Eraina M. Edwards, Albuquerque, NM, for Appellee

Andre Rollin, Embudo, NM, Pro Se Appellant

**JUDGES**

LINDA M. VANZI, Chief Judge. WE CONCUR: HENRY M. BOHNHOFF, Judge,  
DANIEL J. GALLEGOS, Judge

**AUTHOR:** LINDA M. VANZI

## MEMORANDUM OPINION

**VANZI, Chief Judge.**

{1} Defendant Andre Rollin appeals following the district court's grant of summary and default judgment and order for foreclosure sale on August 1, 2017. [RP 244-52] Plaintiff U.S. Bank National Association and Defendant were parties to a mortgage, which was the subject of two foreclosure actions. [DS 2] The first action was filed on July 2, 2008 as D-117-CV-2008-00298. [DS 2] That case concluded with an order vacating judgment and for dismissal of suit, filed on May 1, 2015. [See Odyssey] In the meantime, Plaintiff filed a second complaint for foreclosure on March 30, 2015, which is the case at hand. This Court issued a calendar notice proposing to affirm [CN 6] because we were unable to discern the relief Defendant sought and grounds on which that requested relief was based, given a lack of clarity in Defendant's docketing statement and Defendant's failure to adequately develop or identify what his arguments on appeal may be.

{2} Defendant has filed a memorandum in opposition to this Court's notice of proposed disposition. However, Defendant has not provided this Court with any authority or argument to establish that the district court's dismissal of his complaint was in error. See *Corona v. Corona*, 2014-NMCA-071, ¶ 28, 329 P.3d 701 ("This Court has no duty to review an argument that is not adequately developed."); see also *In re Adoption of Doe*, 1984-NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d 1329 ("We have long held that to present an issue on appeal for review, an appellant must submit argument and authority as required by rule. . . . Issues raised in appellate briefs which are unsupported by cited authority will not be reviewed by us on appeal." (citations omitted)).

{3} Moreover, to the extent Defendant continues to argue that the doctrines of claim preclusion or res judicata apply, we again note that the prior foreclosure action was dismissed without prejudice. [Order vacating judgment and for dismissal of suit in D-117-CV-2008-00298] In other words, there was no judicial decision on the merits. A dismissal without prejudice is not intended to be res judicata and "[t]he words 'without prejudice' when used in an order or decree generally indicate that there has been no resolution of the controversy on its merits and leave the issues in litigation open to another suit as if no action had ever been brought." *Bralley v. City of Albuquerque*, 1985-NMCA-043, ¶¶ 17-18, 102 N.M. 715, 699 P.2d 646.

{4} Accordingly, we affirm.

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

**LINDA M. VANZI, Chief Judge**

**WE CONCUR:**

**HENRY M. BOHNHOFF, Judge**

**DANIEL J. GALLEGOS, Judge**