

CORSE V. BAILEY

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GARY RAY CORSE,
Plaintiff-Appellant,
v.
MEGAN BAILEY,
Defendant-Appellee.

NO. A-1-CA-37534

COURT OF APPEALS OF NEW MEXICO

February 5, 2019

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

COUNSEL

Gary Ray Corse, Albuquerque, NM, Pro Se Appellant

Megan Bailey, Philadelphia, PA, Pro Se Appellee

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: JULIE J. VARGAS, Judge, KRISTINA
BOGARDUS, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Plaintiff, who is self-represented, appeals from a district court order dismissing his on-the-record appeal from metropolitan court on the ground that he failed to file a statement of issues. We issued a calendar notice proposing to affirm. Plaintiff has responded with a memorandum in opposition. Not persuaded, we affirm.

{2} Our calendar notice proposed to hold that, because Plaintiff failed to file any issues in the district court, he has abandoned issues that could have been raised in this Court. See *State v. Vigil*, 2014-NMCA-096, ¶ 18, 336 P.3d 380. Plaintiff argues that he was prevented by the district court from filing things below. This assertion is not supported by the record, at least with respect to the filing of a statement of issues. To the contrary, the district court extended the time for filing the statement of issues and instructed Plaintiff that the appeal would be dismissed unless he met the new deadline. [RP 182-83] To the extent that Plaintiff believed that court staff was preventing him from making the requisite filing, he had an obligation to create a record on the matter. See *Dillard v. Dillard*, 1986-NMCA-088, ¶¶ 6-7, 104 N.M. 763, 727 P.2d 71 (observing that it is the duty of the appellant to provide a record adequate to review the issues on appeal). Because he did not do so, we affirm.

{3} IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

JULIE J. VARGAS, Judge

KRISTINA BOGARDUS, Judge