

HOBSON V. HOBSON

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CHARLES D. HOBSON,
Petitioner-Appellant,
v.
GLORIA HOBSON,
Respondent-Appellee,
and
STATE OF NEW MEXICO ex rel.
HUMAN SERVICES DEPARTMENT,
Intervenor.

No. A-1-CA-37594

COURT OF APPEALS OF NEW MEXICO

January 7, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Debra Ramirez,
District Judge

COUNSEL

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JUDGES

LINDA M. VANZI, Chief Judge. WE CONCUR: M. MONICA ZAMORA, Judge, JULIE J. VARGAS, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Chief Judge.

{1} Petitioner, a self-represented litigant, appeals from the district court's memorandum order. In this Court's notice of proposed disposition, we proposed summary affirmance. Petitioner filed a memorandum in opposition (MIO), which we have duly considered. Remaining unpersuaded, we affirm.

{2} In his memorandum in opposition, Petitioner continues to argue that the district court abused its discretion because it did not consider his future income when making its determination regarding spousal support [MIO 1-3] and that the law cited in his docketing statement in fact requires him to continue making payments, regardless of whether his ex-wife wishes to receive such payments and regardless of the fact that all of their children are no longer minors [MIO 3-5]. Petitioner has not asserted any new facts, law, or argument, and has not otherwise persuaded us that our notice of proposed disposition was erroneous. *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."); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to a summary calendar notice must come forward and specifically point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore refer Petitioner to our analysis therein.

{3} Accordingly, for the reasons stated in our notice of proposed disposition and herein, we affirm the district court's order.

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

LINDA M. VANZI, Chief Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

JULIE J. VARGAS, Judge