

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39852**

**BOYAPATI C. REDDY and  
B. LOURDAMMA REDDY,**

Plaintiffs-Appellants,

v.

**NEW MEXICO DEPARTMENT OF  
TRANSPORTATION,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY  
Mary W. Rosner, District Judge**

Boyapati C. Reddy  
B. Lourdamma Reddy  
El Paso, TX

Pro Se Appellants

Raul A. Carrillo, Jr.  
Las Cruces, NM

for Appellee

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Plaintiffs appeal from the district court's order dismissing their claims with prejudice for abusive litigation tactics and discovery violations. We issued a notice of proposed disposition, in which we proposed to summarily affirm. Plaintiffs filed a memorandum in opposition, which we have duly considered. Unpersuaded, we affirm the ruling of the district court.

**{2}** We initially note that Plaintiffs' memorandum in opposition contains various attachments, including correspondence and detailed hearing notes. [MIO PDF 6-18] We do not consider these documents because "[m]atters outside the record present no issue for review." *Kepler v. Slade*, 1995-NMSC-035, ¶ 13, 119 N.M. 802, 896 P.2d 482 (internal quotation marks and citation omitted). In addition, Plaintiffs' memorandum is largely unresponsive to the specific concerns identified in our calendar notice, including that Plaintiffs failed to provide all relevant facts and that many of Plaintiffs' issues did not appear to be preserved. We also remind Plaintiffs that this Court "will not reweigh the evidence nor substitute our judgment for that of the fact[-]finder." *Clark v. Clark*, 2014-NMCA-030, ¶ 26, 320 P.3d 991 (internal quotation marks and citation omitted).

**{3}** Plaintiffs' memorandum in opposition does not otherwise convince us that our initial proposed disposition was erroneous. See *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point out errors of law and fact," and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374; *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d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."); *Taylor v. Van Winkle's IGA Farmer's Mkt.*, 1996-NMCA-111, ¶ 5, 122 N.M. 486, 927 P.2d 41 (recognizing that issues raised in a docketing statement but not contested in a memorandum in opposition are abandoned); see also *Premier Tr. of Nev., Inc. v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 ("[I]t is the appellant's burden to demonstrate, by providing well-supported and clear arguments, that the district court has erred.").

**{4}** Accordingly, for the reasons stated in our notice of proposed disposition and herein, we affirm the ruling of the district court.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**MEGAN P. DUFFY, Judge**

**JANE B. YOHALEM, Judge**