

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 Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions.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-40206

JAMES ROUNDTREE,

Plaintiff-Appellant,

v.

**MARIA MEZTA and GEICO
INSURANCE COMPANY,**

Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY
Lee A. Kirksey, District Judge**

Law Offices of Ross Bettis
Ross R. Bettis
Hobbs, NM

for Appellant

Law Office of J. Douglas Compton
Pablo A. Seifert
Albuquerque, NM

for Appellees

MEMORANDUM OPINION

MEDINA, Judge.

{1} Plaintiff appeals from the district court's order granting summary judgment in favor of Defendants. Unpersuaded that Plaintiff's docketing statement demonstrated error, we proposed to summarily affirm in a calendar notice. Defendants filed a memorandum in support of our proposed summary disposition. Plaintiff, however, has not responded to our proposed disposition, and the time for doing so has passed. "Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice." *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246,

861 P.2d 287. Thus, for the reasons provided in our calendar notice, we affirm the district court's order granting summary judgment.

{2} IT IS SO ORDERED.

JACQUELINE R. MEDINA, Judge

WE CONCUR:

J. MILES HANISEE, Chief Judge

JENNIFER L. ATTREP, Judge