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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-41139

LAZARO LLANES,

Plaintiff-Appellant,

v.

LARRY H. MILLER CASA CHRYSLER,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Daniel E. Ramczyk, District Court Judge

Lazaro Llanes
Albuquerque, NM

Pro Se Appellant

Snell & Wilmer LLP
Todd E. Rinner
Albuquerque, NM

for Appellee

MEMORANDUM OPINION

YOHALEM, Judge.

{1} Plaintiff, a self-represented litigant, appeals the grant of summary judgment in favor of Defendant. In this Court's notice of proposed disposition, we proposed to summarily affirm. Plaintiff filed a memorandum in opposition, and Defendant filed a memorandum in support, both of which we have duly considered. Remaining unpersuaded by Plaintiff's memorandum in opposition, we affirm.

{2} In his memorandum in opposition, Plaintiff maintains that the district court erred in granting summary judgment. [MIO 1-2] Plaintiff has failed, however, to assert any

new facts, law, or argument that persuade this Court that our notice of proposed disposition was erroneous. See *Hennessey 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point out errors of law and fact,” and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.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 Plaintiff to our analysis contained therein.

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

{4} IT IS SO ORDERED.

JANE B. YOHALEM, Judge

WE CONCUR:

SHAMMARA H. HENDERSON, Judge

KATHERINE A. WRAY, Judge