

KIRBY V. NEW MEXICO STATE HWY. DEP'T, 98 N.M. 51, 644 P.2d 1040 (S. Ct. 1982)

**DAVID M. KIRBY, as special administrator of the Estate of
Mark S. Cummings, Petitioner,
vs.
NEW MEXICO STATE HIGHWAY DEPARTMENT, Respondent.**

No. 14152

SUPREME COURT OF NEW MEXICO

98 N.M. 51, 644 P.2d 1040

March 29, 1982

Original Proceeding on Certiorari

OPINION

This cause having heretofore been submitted and taken under advisement, and a writ of certiorari having been issued on February 26, 1982;

NOW, THEREFORE IT IS ORDERED by the Court that the writ of certiorari heretofore issued on February 26, 1982, be and the same is hereby quashed as having been improvidently issued.

IT IS FURTHER ORDERED that the Record in Cause No. 5101 is hereby returned to the Clerk of the Court of Appeals.