

RIVERA V. CRADDOCK, 1967-NMSC-160, 78 N.M. 209, 430 P.2d 103 (S. Ct. 1967)

**LUPE P. RIVERA, Individually and as CITY CLERK OF THE CITY
OF LORDSBURG, NEW MEXICO, and ALAN A. KOFF,
Individually and as MAYOR OF THE CITY OF
LORDSBURG, NEW MEXICO,
Plaintiffs-in-Error,
vs.
VIRGIL CRADDOCK, GUADALUPE Q. VARELA and GILDARDO R.
RENTERIA, Defendants-in-Error**

No. 8152

SUPREME COURT OF NEW MEXICO

1967-NMSC-160, 78 N.M. 209, 430 P.2d 103

July 17, 1967

Error to District Court Bernalillo County, Hodges, Judge

COUNSEL

STANDLEY, KEGEL & CAMPOS, FRANK P. DICKSON, JR., Santa Fe, New Mexico,
Attorneys for Plaintiffs-in-Error.

JUDGES

NOBLE, Justice, wrote the opinion.

WE CONCUR:

David W. Carmody, J., Richard A. Stanley, D.J.

AUTHOR: NOBLE

OPINION

NOBLE, Justice.

{1} Alan A. Koff and Lupe P. Rivera, as the Mayor and City Clerk of Lordsburg, New Mexico, have sued out a writ of error seeking review of an ex parte peremptory writ of mandamus directing them to issue warrants payable to petitioners by reason of their claimed employment by the city for the month of May, 1966.

{2} The facts in this case are identical with those in the opinion filed this day in Rivera v. Nunn, 78 N.M. 208, 430 P.2d 102, except for the period for which compensation was sought. Upon authority of Rivera v. Nunn, supra, this case is reversed and remanded with direction to the lower court to vacate the ex parte peremptory writ of mandamus and to proceed in a manner not inconsistent with the opinion in that case.

{3} IT IS SO ORDERED.

WE CONCUR:

David W. Carmody, J., Richard A. Stanley, D.J.