

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

2 **ANTONIO VIGIL,**

3 Plaintiff-Appellant,

4 v.

Court of Appeals of New Mexico  
Filed 1/21/2025 8:12 AM

  
Ramon J. Maestas  
Chief Clerk

**No. A-1-CA-41684**

5 **BOARD OF COUNTY COMMISSIONERS**  
6 **FOR SANTA FE COUNTY,**

7 Defendant-Appellee.

8 **APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**  
9 **Francis J. Mathew, District Court Judge**

10 Western Agriculture, Resource and Business Advocates, LLP

11 A. Blair Dunn

12 Jared R. Vander Dussen

13 Albuquerque, NM

14 for Appellant

15 New Mexico Association of Counties

16 Brandon Huss

17 Bree Barnett

18 David Roman

19 Santa Fe, NM

20 for Appellee

21 **MEMORANDUM OPINION**

22 **HENDERSON, Judge.**

23 {1} Plaintiff appeals from the district court's order dismissing his complaint filed

24 under the New Mexico Civil Rights Act (NMCRA), NMSA 1978, §§ 41-4A-1 to -13

25 (2021). We previously entered a notice of proposed disposition, proposing to affirm.

1 Plaintiff filed a memorandum in opposition, which we have duly considered.

2 Unpersuaded by Plaintiff's memorandum in opposition, we affirm.


3 {2} In our proposed disposition, we proposed to affirm the district court's order  
4 dismissing Plaintiff's complaint based on Section 41-4A-3(D) because the limitation  
5 contained in that provision does not apply only to current employees of a public body  
6 and Plaintiff's claim arose from his employment with a public body. [CN 2-3] *See*  
7 § 41-4A-3(D) ("Individuals employed by a public body shall be prohibited from  
8 using the New Mexico Civil Rights Act to pursue a claim arising from the  
9 individual's employment by the public body."). In his memorandum, Plaintiff does  
10 not address any of the authorities this Court relied on in the proposed disposition.  
11 Instead, Plaintiff directs us to federal case law that relied on a federal statute, 1  
12 U.S.C. § 1, used "[i]n determining the meaning of any Act of Congress" in the  
13 court's interpretation of a different federal statute. [MIO 2-5] Plaintiff provides us  
14 with no authority applying such analysis or methods of interpretation in this state.  
15 Indeed, Plaintiff acknowledges that 1 U.S.C. § 1 has no bearing on New Mexico law.  
16 [MIO 4] Further, although Plaintiff contends our proposed disposition "rests upon  
17 violating a basis [sic] rule of grammar to find that a word can mean the same tense  
18 at the same time in a statute," 1 U.S.C. § 1 and the federal case law Plaintiff relies  
19 on indicates that words used in the present tense include the future as well as the  
20 present tense.

1 {3} Accordingly, for the reasons stated herein and in our notice of proposed  
2 disposition, we affirm.

3 {4} **IT IS SO ORDERED.**

4   
5 \_\_\_\_\_  
**SHAMMARA H. HENDERSON, Judge**

6 **WE CONCUR:**

7   
8 \_\_\_\_\_  
**JACQUELINE R. MEDINA, Judge**

9   
10 \_\_\_\_\_  
**GERALD E. BACA, Judge**