

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

2 **JUANA TORRES TALLENT, Individually**  
3 **and as Personal Representative of THE**  
4 **ESTATE OF DAVID TALLENT, Deceased,**

5 Plaintiff-Appellant,

6 v.

**No. A-1-CA-41473**

7 **DORA GARCIA,**

8 Defendant-Appellee.

9 **APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY**

10 **James Lawrence Sanchez, District Court Judge**

11 Juana Torres Tallent

12 Los Lunas, NM

13 Pro Se Appellant

14 Griego & Guggino

15 Laurence P. Guggino, Jr.

16 Los Lunas, NM

17 for Appellee

18 **MEMORANDUM OPINION**

19 **IVES, Judge.**

20 {1} Plaintiff appeals an order of dismissal with prejudice that was entered on  
21 October 11, 2023. [RP 114-16] This Court issued a calendar notice proposing to  
22 summarily affirm. Plaintiff filed a memorandum, which we have duly considered.  
23 Unpersuaded that the district court committed reversible error, we affirm.

Court of Appeals of New Mexico

Filed 2/26/2025 9:58 AM



Ramon J. Maestas  
Chief Clerk


1 {2} Plaintiff’s memorandum in opposition does not persuade us that this Court’s  
2 proposed summary disposition was in error. The memorandum is difficult to discern,  
3 but to the extent Plaintiff is asking us to assess the facts and evidence presented  
4 below, we decline to do so. *See Las Cruces Pro. Fire Fighters v. City of Las Cruces*,  
5 1997-NMCA-044, ¶ 12, 123 N.M. 329, 940 P.2d 177 (stating that “we will not  
6 reweigh the evidence nor substitute our judgment for that of the fact[-]finder”). As  
7 to Plaintiff’s assertion that she was not given enough time to prove ownership of the  
8 real property that is the subject of this dispute, we conclude that this assertion would  
9 not establish reversible error, particularly in light of the district court’s unchallenged  
10 finding that Plaintiff did not provide any admissible evidence establishing an interest  
11 in the property at issue in this case. *See Belser v. O’Cleireachain*, 2005-NMCA-073,  
12 ¶ 3, 137 N.M. 623, 114 P.3d 303 (noting that district courts have inherent authority  
13 to manage the cases that are before it). Lastly, Plaintiff asserts that she was not given  
14 “cor[r]ect representation.” [MIO 4] To the extent Plaintiff is asserting she was  
15 entitled to legal representation, we note that because this is a civil case, she “does  
16 not have a right to appointed counsel.” *Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127  
17 N.M. 301, 980 P.2d 84. As such, we affirm for the reasons stated herein and in our  
18 notice of proposed disposition. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24,  
19 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary

1 calendar cases, the burden is on the party opposing the proposed disposition to  
2 clearly point out errors in fact or law.”).

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

4   
5 \_\_\_\_\_  
**ZACHARY A. IVES, Judge**

6 **WE CONCUR:**

7   
8 \_\_\_\_\_  
**MEGAN P. DUFFY, Judge**

9   
10 \_\_\_\_\_  
**SHAMMARA H. HENDERSON, Judge**