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

2 **STATE OF NEW MEXICO ex rel.,**
3 **HUMAN SERVICES DEPARTMENT**
4 **and ADRIANNA D. RUELAS,**

5 Petitioners-Appellees,

6 v.

7 **RUDY G. CHAVEZ,**

8 Respondent-Appellant.

9 **APPEAL FROM THE DISRICT COURT OF DOÑA ANA COUNTY**
10 **Rebecca C. Duffin, District Court Judge**

11 Human Services Department
12 Larry Heyeck
13 Carl Hans Muller
14 Las Cruces, NM

15 for Appellee Human Services Department

16 Adrianna D. Ruelas
17 Las Cruces, NM

18 Pro Se Appellee

19 Rudy G. Chavez
20 Albuquerque, NM

21 Pro Se Appellant

Court of Appeals of New Mexico
Filed 3/31/2025 7:49 AM



Stephanie Latimer Davis
Acting Chief Clerk

No. A-1-CA-42135

1 **MEMORANDUM OPINION**

2 **HANISEE, Judge.**


3 {1} Respondent appeals from the district court’s order adopting a hearing officer’s
4 report and recommendation, which included a modification of child support. In this
5 Court’s notice of proposed disposition, we proposed to summarily affirm.
6 Respondent subsequently filed two documents that we will treat as a memorandum
7 in opposition (MIO), and which we have duly considered. Unpersuaded by
8 Respondent’s MIO, we affirm.

9 {2} In his docketing statement, Respondent asserted that (1) his right to due
10 process was violated because he was not provided a meaningful opportunity to be
11 heard at the July 1, 2024 child support modification hearing, due to technical issues
12 he experienced; (2) there were mathematical errors in calculating the child support
13 payments; and (3) the district court did not consider his pending disability hearing.
14 [DS PDF 1-4] In our notice of proposed disposition, we suggested that none of these
15 assertions demonstrated error, and provided our rationale therein. In his MIO,
16 Respondent did not address our proposed disposition or assert any new facts, law, or
17 argument that persuade us that our proposed disposition was erroneous. *See*
18 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our
19 courts have repeatedly held that, in summary calendar cases, the burden is on the
20 party opposing the proposed disposition to clearly point out errors in fact or law.”);

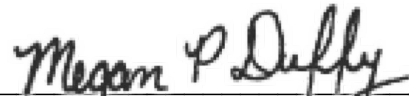
1 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating
2 that a party responding to a summary calendar notice must come forward and
3 specifically point out errors of law and fact, and the repetition of earlier arguments
4 does not fulfill this requirement), *superseded by statute on other grounds as stated*
5 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore refer
6 Respondent to our analysis therein.

7 {3} Accordingly, for the reasons stated in our notice of proposed disposition, we
8 affirm.

9 {4} **IT IS SO ORDERED.**

10 
11 **J. MILES HANISEE, Judge**

12 **WE CONCUR:**

13 
14 **MEGAN P. DUFFY, Judge**

15 
16 **ZACHARY A. IVES, Judge**