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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico

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ll P

Mark Reynolds

Plaintiff-Appellee,

v. **No. A-1-CA-42699**

CAROL TOM,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Victor S. Lopez, District Court Judge

Brian A. Eagan
Albuquerque, NM

for Appellee

Carol Tom
Albuquerque, NM

Pro Se Appellant

MEMORANDUM OPINION

IVES, Judge.

{1} Defendant appeals the district court's judgment for restitution. In our notice of proposed summary disposition, we proposed to affirm. Defendant has filed a memorandum in opposition and Plaintiff has filed a memorandum in support, both of which we have duly considered. As we are not persuaded by Defendant's arguments, we affirm.

1 {2} In our notice of proposed summary disposition, we proposed to hold that
2 Defendant had not met her burden of showing error by the district court based on the
3 very limited information provided in her docketing statement. [CN 5] In reaching
4 this proposed conclusion, we explained how three of the requirements under Rule
5 12-208(D) NMRA—an explanation of the material facts, a statement of the issue(s)
6 presented on appeal, and a list of authorities—necessarily must be provided by an
7 appellant in their docketing statement in order to enable this Court to conduct a
8 meaningful appellate analysis. [CN 2-4]

9 {3} In her memorandum in opposition, Defendant again does not include any
10 specific explanation of the material facts, a statement of the issue(s) presented on
11 appeal, or a list of authorities—all of which are necessary for this Court to conduct
12 its analysis. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955
13 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the
14 burden is on the party opposing the proposed disposition to clearly point out errors
15 in fact or law.”); *see also State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M.
16 421, 759 P.2d 1003 (stating that “[a] party responding to a summary calendar notice
17 must come forward and specifically point out errors of law and fact,” and the
18 repetition of earlier arguments does not fulfill this requirement), *superseded by*
19 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d
20 374. While we acknowledge that Defendant has included a number of documents

1 with her memorandum in opposition, the information provided remains insufficient
2 for this Court to determine whether the district court made any mistakes during the
3 eviction proceedings that need correction. *See Corona v. Corona*, 2014-NMCA-071,
4 ¶ 28, 329 P.3d 701 (“This Court has no duty to review an argument that is not
5 adequately developed.”); *Muse v. Muse*, 2009-NMCA-003, ¶ 72, 145 N.M. 451, 200
6 P.3d 104 (“We will not search the record for facts, arguments, and rulings in order
7 to support generalized arguments.”); *In re Estate of Heeter*, 1992-NMCA-032, ¶ 15,
8 113 N.M. 691, 831 P.2d 990 (“This [C]ourt will not search the record to find
9 evidence to support an appellant’s claims.”).

10 {4} Thus, for the reasons stated here and in our notice of proposed summary
11 disposition, we affirm the district court’s judgment for restitution.

12 {5} **IT IS SO ORDERED.**

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ZACHARY A. IVES, Judge

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JENNIFER L. ATTREP, Judge

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SHAMMARA H. HENDERSON, Judge