

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

Court of Appeals of New Mexico  
Filed 6/16/2026 8:34 AM

2 **NUSENDA FEDERAL CREDIT UNION,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

**No. A-1-CA-43042**

5 **TAMERA A. JONES,**

6 Defendant-Appellant

7 **APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY**

8 **AnneMarie C. Lewis, District Court Judge**

9 Lance Wainwright

10 Albuquerque, NM

11 for Appellee

12 Tamera A. Jones

13 Carlsbad, NM

14 Pro Se Appellant

15 **MEMORANDUM OPINION**

16 **MEDINA, Chief Judge.**

17 {1} Defendant appeals self-represented from the district court's denial of  
18 Defendant's Rule 1-060(B) NMRA motion to vacate the district court's entry of final  
19 judgment against her and in favor of Plaintiff. In this Court's notice of proposed  
20 disposition, we proposed to summarily affirm. Defendant filed a memorandum in  
21 opposition, which we construe to include a motion to amend the docketing statement,  
22 and an emergency motion for a stay, all of which we have duly considered.

1 Unpersuaded by Defendant’s memorandum in opposition, we affirm. We deny the  
2 motion to amend the docketing statement and Defendant’s emergency motion for a  
3 stay.

4 {2} In Defendant’s memorandum in opposition, she continues to assert that she  
5 did not receive notice of the March 10, 2025 hearing. [MIO10-11] In response to our  
6 proposed notice of disposition, Defendant asserts that she preserved the issue in her  
7 Rule 1-060(B) motion to vacate and in her filing entitled, “Notice of Non-Receipt of  
8 Mailed Service, Contest of Certificate, and Demand for Proof of Mailing” (notice of  
9 nonreceipt). [MIO 11] However, as we explained in our notice of proposed  
10 disposition, Defendant’s motion to vacate judgment pursuant to Rule 1-060(B)  
11 argued that Plaintiff failed to prove service of the complaint on Defendant, not that  
12 Plaintiff was not served with a notice of the March 10, 2025 hearing. [CN 2] In  
13 addition, Defendant’s notice of nonreceipt asserted that Defendant never received  
14 Plaintiff’s response to Defendant’s motion to vacate in the mail. [RP 428-430] The  
15 district court denied Defendant’s motion to vacate without a hearing, and nothing in  
16 the record indicates that Defendant claimed to the district court that she did not have  
17 notice of the March 10, 2025 hearing.

18 {3} “To preserve an issue for review on appeal, it must appear that appellant fairly  
19 invoked a ruling of the [district] court on the same grounds argued in the appellate  
20 court.” *Benz v. Town Ctr. Land, LLC*, 2013-NMCA-111, ¶ 24, 314 P.3d 688 (internal

1 quotation marks and citation omitted). Because Defendant claims lack of notice of  
2 the March 10, 2025 hearing, for the first time on appeal, we decline to address this  
3 claim. *See Campos Enters. v. Edwin K. Williams & Co.*, 1998-NMCA-131, ¶ 12, 125  
4 N.M. 691, 964 P.2d 855 (stating that an appellate court reviews only matters that  
5 were presented to the district court).

6 {4} Defendant’s memorandum in opposition does not otherwise address this  
7 Court’s notice of proposed disposition, or present any new facts or arguments that  
8 persuade this Court that our proposed summary disposition was incorrect. *See*  
9 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our  
10 courts have repeatedly held that, in summary calendar cases, the burden is on the  
11 party opposing the proposed disposition to clearly point out errors in fact or law.”);  
12 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating  
13 that “[a] party responding to a summary calendar notice must come forward and  
14 specifically point out errors of law and fact,” and the repetition of earlier arguments  
15 does not fulfill this requirement), *superseded by statute on other grounds as stated*  
16 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Accordingly, the  
17 memorandum in opposition has not persuaded this Court that our proposed  
18 disposition was in error. *See Hennessy*, 1998-NMCA-036, ¶ 24; *Mondragon*, 1988-  
19 NMCA-027, ¶ 10; *see also State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M. 393,  
20 981 P.2d 1211 (stating that there is a presumption of correctness in the rulings or

1 decisions of the trial court, and the party claiming error bears the burden of showing  
2 such error).

3 {5} We additionally understand Defendant to move to amend her docketing  
4 statement to assert that the district court’s entry of judgment was improper. [MIO  
5 12-17] The district court entered its order granting Plaintiff’s motion for summary  
6 judgment or in the alternative default judgment on April 16, 2025. [RFP 406] It  
7 entered its order dismissing Defendant’s writ for countersuit, writ for permanent  
8 injunctive relief and judgment for damages on the same date. [RP 408] A transcript  
9 of judgment was filed on April 23, 2025. [RP 412] Defendant did not timely appeal  
10 following the district court’s entry of its final order in April 2025. *See* Rule 12-  
11 201(A)(1)(b) NMRA (requiring a notice of appeal to be filed within thirty days after  
12 filing of the judgment or order appealed from). Defendant’s August 29, 2025 motion  
13 to vacate, was also not timely filed for purposes of tolling the time to take an appeal  
14 from the district court’s entry of final judgment. *See* Rule 12-201(D)(1) (providing  
15 “[i]f any party timely files a motion that has the potential to affect the finality of the  
16 underlying judgment,” the time prescribed “for the filing of the notice of appeal shall  
17 commence to run and be computed from the filing of an order expressly disposing  
18 of the last such remaining motion,” and explaining that “[t]hose motions may include  
19 . . . a motion under Rule 1-060(B) . . . that is filed not later than thirty (30) days after

1 the filing of the judgment; or . . . a motion to reconsider a ruling that is filed within  
2 the permissible time period for initiating an appeal”).

3 {6} Because Defendant did not timely file notice of an appeal from the district  
4 court’s entry of final judgment in April 2025, we conclude that any challenges to the  
5 underlying merits of that final judgment are not now appropriate for this Court’s  
6 consideration. *See* Rule 12-201(A)(1)(b); Rule 12-201(D)(1); *see also* *Trujillo v.*  
7 *Serrano*, 1994-NMSC-024, ¶¶ 15-19, 117 N.M. 273, 871 P.2d 369 (reaffirming that  
8 the timely filing of a notice of appeal is a mandatory precondition to our exercise of  
9 jurisdiction to hear an appeal); *Govich v. N. Am. Sys., Inc.*, 1991-NMSC-061, ¶ 12,  
10 112 N.M. 226, 814 P.2d 94 (explaining that a party must comply with the appellate  
11 rules governing the time in which to file the notice of appeal to properly invoke this  
12 Court’s jurisdiction); *see also* *See Deerman v. Bd. of Cnty. Comm’rs*, 1993-NMCA-  
13 123, ¶ 16, 116 N.M. 501, 864 P.2d 317 (“Rule [1-0]60(B) is not to be used as a  
14 substitute for appeal.”). We therefore deny Defendant’s motion to amend as to this  
15 issue. *See State v. Moore*, 1989-NMCA-073, ¶ 45, 109 N.M. 119, 782 P.2d 91  
16 (“[W]e should deny motions to amend that raise issues that are not viable.”),  
17 *superseded by rule on other grounds as recognized in State v. Salgado*, 1991-  
18 NMCA-044, ¶ 2, 112 N.M. 537, 817 P.2d 730.

19 {7} Defendant also seeks to amend the docketing statement to argue that the  
20 district court failed to stay the proceedings. [MIO 18] In addition, Defendant filed


1 an emergency motion for a stay with this court on June 5, 2026. We deny the motion  
2 to amend to the extent it requests a stay and we deny Defendant’s emergency motion  
3 to stay the proceedings as this opinion renders those claims moot. *See id.*; *cf. Grassie*  
4 *v. Roswell Hosp. Corp.*, 2008-NMCA-076, ¶ 1, 144 N.M. 241, 185 P.3d 1091  
5 (“[T]he purpose of the supersedeas bond is to maintain the status quo during the  
6 pendency of the appeal.” (internal quotation marks and citation omitted)).

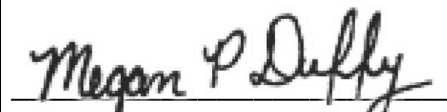
7 {8} Accordingly, for the reasons stated in our notice of proposed disposition and  
8 herein, we affirm.

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

10   
11 **JACQUELINE R. MEDINA, Chief Judge**

12 **WE CONCUR:**

13   
14 **J. MILES HANISEE, Judge**

15   
16 **MEGAN P. DUFFY, Judge**