IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

CHANTELLE WAGNER,

Petitioner-Appellee,

v. **No. A-1-CA-43187**

DOUGLAS W. ROBINSON,

Respondent-Appellant.

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY
Allen R. Smith, District Court Judge

Chantelle Wagner
Corrales, NM

Pro Se Appellee

Douglas W. Robinson
Corrales, NM

Pro Se Appellant

Pregenzer, Baysinger, Wideman & Sale, P.C.
Margaret A. Graham
Albuquerque, NM

Guardian Ad Litem

MEMORANDUM OPINION

MEDINA, Chief Judge.

{1} Respondent Douglas W. Robinson, a self-represented litigant, appeals from the district court's order regarding guardian ad litem fees. We issued a notice of proposed summary disposition, proposing to affirm. The GAL filed a memorandum

in support, and Respondent filed a memorandum in opposition and an amended memorandum in opposition, all of which we have duly considered. We remain unpersuaded that our initial proposed disposition was incorrect, and we therefore affirm.

{2} Respondent asserts that we must liberally construe his filings due to his status as a self-represented litigant. [AMIO 2] However, while we view pleadings by self-represented litigants with tolerance, a self-represented litigant, nevertheless, "is held to the same standard of conduct and compliance with court rules, procedures, and orders as are members of the bar." *Camino Real Env't. Ctr., Inc. v. N.M. Dep't of Env't*, 2010-NMCA-057, ¶ 21, 148 N.M. 776, 242 P.3d 343 (internal quotation marks and citation omitted); *see Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127 N.M. 301, 980 P.2d 84 (same); *see also Corona v. Corona*, 2014-NMCA-071, ¶ 28, 329 P.3d 701 (stating that appellate courts are under no obligation to review unclear or undeveloped arguments). Additionally, we note that much of the legal authority upon which Respondent relies either does not exist or does not support his contentions. Regardless of whether a litigant is self-represented or uses an artificial intelligence tool to prepare filings, litigants have an obligation to provide accurate and valid information to this Court. *See Woodhull v. Meinel*, 2009-NMCA-015, ¶ 30, 145 N.M. 533, 202 P.3d 126 (explaining that a self-represented litigant "must comply with the rules and orders of the court and will not be treated differently than

litigants with counsel"); *cf.* Rule 16-303(A)(1) NMRA ("A lawyer shall not knowingly[] make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.").

{3} Respondent continues to challenge the district court's December 9, 2025 order, asserting that the district court erred in issuing an order that required Respondent pay his share of GAL fees. Specifically, Respondent makes the following assertions of error: the GAL abused her office and acted improperly [AMIO 6; MIO 14]; the district court failed to issue adequate findings and comply with procedural requirements [MIO 11]; and the GAL fee judgment is not enforceable against him [MIO 11]. Respondent also asserts the district court erred in denying all his pending motions based on his failure to comply with a prior order identifying him as a vexatious litigant. [MIO 10]

{4} Our proposed disposition suggested that the district court's order was in accordance with its earlier order appointing a GAL and that Respondent had not identified facts in the record that suggest the GAL's actions were so improper that she failed to satisfy her duty under Rule 1-053.3(A) NMRA. [CN 8] Respondent responded by claiming that he could provide "evidence of abuse of office and numerous [f]ederal, civil and parenting rights and children's code violations made by the GAL." [AMIO 6] Respondent also claims the GAL committed what he

characterizes as "material omission[s]," including failure to document and a lack of advocacy, billing for services not performed, and misidentifying the child in a parenting plan. [MIO 6-8, 14] Additionally, Respondent suggests that the district court judge having appointed the GAL in other cases over the course of several years has a "pre-existing relationship" with the GAL, indicative of impermissible partiality. [AMIO 4-5]

{5} As discussed in our proposed disposition, however, Respondent has not identified *facts in the record* to support his claims regarding the GAL's actions. [CN 9] Instead, he presents them as bare assertions without identifying if, when, or how he presented evidence of such omissions or failures to the district court. Those assertions are not evidence. *See Muse v. Muse*, 2009-NMCA-003, ¶ 51, 145 N.M. 451, 200 P.3d 104 (recognizing that "mere assertions and arguments . . . are not evidence"). It is not our obligation to search the record and case law to develop a workable understanding of the issues or to find support for any allegations of error. *See id.* ¶ 72 ("We will not search the record for facts, arguments, and rulings in order to support generalized arguments."). Moreover, Respondent has provided no facts regarding the number of available GALs in the jurisdiction, the number of cases in which a GAL was appointed, or the availability of other GALs during that time. In addition, Respondent has not identified any authority to suggest that the number of times a GAL is appointed by a certain judge is alone sufficient to suggest a GAL

breached a fiduciary duty. *See State v. Vigil-Giron*, 2014-NMCA-069, ¶ 60, 327 P.3d 1129 ("[A]ppellate courts will not consider an issue if no authority is cited in support of the issue and that, given no cited authority, we assume no such authority exists."); *see also United Nuclear Corp. v. Gen. Atomic Co*., 1980-NMSC-094, ¶ 418, 96 N.M. 155, 629 P.2d 231 (providing that bias or prejudice must "stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from [their] participation in the case" in order to be disqualifying (internal quotation marks and citation omitted)). The mere possibility of a conflict is insufficient to warrant reversal, *see State v. Martinez*, 2001-NMCA-059, ¶ 24, 130 N.M. 744, 31 P.3d 1018, and we conclude Respondent has failed to identify facts in the record to support his assertion of error regarding the GAL's actions.

{6} Next, Respondent asserts the district court did not satisfy "mandatory procedural requirements" or make any of the "required findings." [MIO 11] Specifically, Respondent asserts the district court erred in awarding GAL fees without holding an "ability-to-pay hearing" and issuing findings regarding his ability to pay. [MIO 12] Respondent continues to rely on NMSA 1978, Section 40-4-11.1(C) (2008) as support, as well as Rule 1-053.3(K). [MIO 12] As discussed in our proposed disposition, however, Section 40-4-11.1 pertains to child support guidelines, and it in no way supports Respondent's assertion regarding a mandatory "ability to pay" hearing for GAL fees. [CN 6] *See* Section 40-4-11.1(C) (defining

"income" and "gross income" for purposes of the child support guidelines). Rule 1-053.3(K) similarly fails to support Respondent's assertions regarding the district court holding a hearing or issuing findings regarding Respondent's ability to pay. *See* Rule 1-053.3(K) (requiring that an order appointing a GAL and stating the GAL's hourly rate provide for itemized statements, and designate the manner in which the parties bear the fees and costs). We are therefore unpersuaded.

{7} Respondent also asserts that the GAL fee judgment is not enforceable against him because federal law bars enforcement against him as a social security disability beneficiary. [MIO 11; AMIO 6] In our proposed disposition, we noted that Respondent had provided no evidence pertaining to his income or assets that might have demonstrated he was unable to pay the GAL fees through means other than his social security income. [CN 3] Accordingly, the proposed disposition suggested that, even assuming the federal exemption applied to the facts of this case, Respondent failed to demonstrate that he would qualify for any such exemption. In response, Respondent asserts that social security is his "sole income stream" and that "[v]oluntary prior payments under a court order do not constitute a waiver." [MIO 11] Respondent does not, however, indicate anywhere in the record proper where he demonstrated to the district court that social security was his sole source of income. *See Muse*, 2009-NMCA-003, ¶¶ 51, 72. Neither does he cite any authority to support his assertions regarding waiver. *See Vigil-Giron*, 2014-NMCA-069, ¶ 60.

Accordingly, we conclude Respondent has failed to demonstrate reversible error. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 ("A party responding to a summary calendar notice must come forward and specifically point out errors of law and fact," and the repetition of earlier arguments does not fulfill this requirement."), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{8} In addition to granting the GAL's request for accrued fees, the district court's December 9, 2025 order denied Respondent's pending motions based on Respondent's failure to comply with the district court's vexatious litigation order. [RP 1430] The vexatious litigation order prohibited Respondent from filing any future motions that are redundant, have previously been ruled upon, or are barred under the doctrine of res judicata without first tendering them to the district court to evaluate for merit and new circumstances. [RP 1296] Respondent now asserts the district court erred when it denied his "already-pending substantive motions . . . raising GAL misconduct, false allegations, evidence withholding, the knife-fight report, the November 2024 suppressed disclosure, and void judgment" without conducting an individual merits analysis. [MIO 10] We disagree.

{9} As stated in our proposed disposition, it is well-established that the district court has the authority to curtail litigants from abusing the process of the district court and exercise control over its own docket. *See Lepiscopo v. Hopwood*, 1990-

NMCA-044, ¶ 4, 110 N.M. 30, 791 P.2d 481 ("Where a litigant has a history of filing meritless, vexatious lawsuits, however, and where that pattern unduly burdens the judicial system, courts can constitutionally restrict the litigant's access to the courts."); *In re Mokiligon*, 2005-NMCA-021, ¶ 10, 137 N.M. 22, 106 P.3d 584 ("[I]f the court views [a party's] actions as vexatious and tying up the court's resources, there is nothing to prevent the court, in the exercise of controlling its docket, from requiring [a party] to have [their] pleadings reviewed before [[they are] allowed to file them to determine whether they have merit."). Respondent has not identified which, if any, of his many motions was already pending when the district court entered the vexatious litigant order. We decline Respondent's invitation to undertake such a task, particularly considering the number of motions Respondent filed in the district court leading up to the vexatious litigation order. *See In re Est. of Heeter*, 1992-NMCA-032, ¶ 15, 113 N.M. 691, 831 P.2d 990 ("This [C]ourt will not search the record to find evidence to support an appellant's claims.").

{10} Respondent's remaining assertions of error pertain to two district court orders: one entered on April 12, 2024, and one entered on March 23, 2026. [AMIO 2-5; MIO 12] As discussed in our proposed disposition and recognized by Respondent, the December 9, 2025 order that is being appealed in this case does not make any alteration to or modification of custody or visitation. [CN 2; MIO 10] The April 12, 2024 order adopted the GAL's third supplemental recommendations, made one

modification regarding supervised visitation, and denied five of Respondent's motions. [RP 924] Respondent now seeks to relitigate matters decided in the April 12, 2024 order, pertaining to custody and visitation, arguing the December 9, 2025, fee judgment derives from the April 12, 2024 order, and therefore must be reviewed. [MIO 12; AMIO 2] We disagree.

{11} The proper mechanism for seeking review of the district court's custody and visitation determination was through the timely filing of a notice of appeal. *See* Rule 12-201 NMRA; NMSA 1978, § 40-10A-314 (2001) (providing that an appeal may be taken from a final order in custody matters in accordance with appellate procedures in other civil cases). Respondent did not seek any such review. Instead, Respondent filed numerous successive motions to reconsider. [RP 905, 961, 999, 1051, 1078, 1119, 1236, 1299] Successive motions to reconsider, filed after thirty days of the underlying judgment, do not extend the time for appealing the underlying judgment and do not permit the moving party to directly appeal the underlying judgment. *See* Rule 12-201(D)(1)(c); Rule 1-060(B)(6) NMRA; *Deerman v. Bd. of Cnty. Comm'rs*, 1993-NMCA-123, ¶ 16, 116 N.M. 501, 864 P.2d 317 (stating that "Rule [1-0]60(B) is not to be used as a substitute for appeal" and concluding that "a motion pursuant to Rule [1-0]60(B)(1) to correct an error of law by the district court must be filed before the expiration of the time for appeal"). Additionally, Respondent has not provided any citation to authority that suggests it is proper for

this Court to look beyond the scope of the December 9, 2025, fee judgment. *See Curry v. Great Nw. Ins. Co.*, 2014-NMCA-031, ¶ 28, 320 P.3d 482 ("Where a party cites no authority to support an argument, we may assume no such authority exists."). We therefore conclude that Respondent's assertions of error regarding the April 12, 2024 order, present no basis for reversal.

{12} Regarding Respondent's assertions of error in the district court's order issued on March 23, 2025, insofar as Respondent challenges the district court entering an order regarding custody—a matter unrelated to the fee issue being appealed—because the district court had jurisdiction to do so, we discern no error. [Order Denying Respondent's Notice of Void Judgment and Request to Restore 50/50 Custody at 1, *Wagner v. Robinson*, No. D-1329-DM-2015-00208 (13th Jud. Dist. Ct. Mar. 23, 2026)]. *See generally Flores v. McLain*, 2024-NMCA-079, ¶ 18, 557 P.3d 1049 (recognizing that family court proceedings involve continuing jurisdiction to modify orders); NMSA 1978, § 40-10A-202 (2001) (providing for exclusive, continuing jurisdiction over child-custody determination).

{13} We conclude that Respondent's repetition of earlier arguments and presentation of conclusory assertions without identifying facts in the record to support them does not demonstrate the error he claims on appeal. *See Aetna Fin. Co. v. Gaither*, 1994-NMSC-082, ¶ 15, 118 N.M. 246, 880 P.2d 857 (stating that the appellants' "bald assertion of error by the court is insufficient; simply alleging an

abuse of discretion does not make it so." (alteration, internal quotation marks, and citation omitted)); *Lukens v. Franco*, 2019-NMSC-002, ¶ 5, 433 P.3d 288 (stating that an appellant is obligated to "properly present this court with the issues, arguments, and proper authority," and emphasizing that "[m]ere reference [to these components] in a conclusory statement will not suffice and is in violation of our rules of appellate procedure" (internal quotation marks and citation omitted)); *Mondragon*, 1988-NMCA-027, ¶ 10 (stating that "[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact," and the repetition of earlier arguments does not fulfill this requirement). Accordingly, we conclude Respondent has failed to demonstrate the district court erred in granting the GAL's motion for judgment in the amount of $17,345.61 for unpaid GAL fees in its December 9, 2025 order. [RP 1430]

{14} Based on the foregoing and for the reasons stated in our notice of proposed disposition, we affirm.

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

Jacqueline R. Medina

JACQUELINE R. MEDINA, Chief Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

SHAMMARA H. HENDERSON, Judge