

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

Court of Appeals of New Mexico  
Filed 6/29/2026 11:59 AM

2 **DAVID CORDOVA,**

3 Worker-Appellant,



Mark Reynolds

4 v.

**No. A-1-CA-43237**

5 **BERNALILLO COUNTY and**  
6 **NEW MEXICO ASSOCIATION**  
7 **OF COUNTIES,**

8 Employer/Insurer-Appellees.

9 **APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION**  
10 **Ned S. Fuller, Workers' Compensation Judge**

11 David Cordova  
12 Albuquerque, NM

13 Pro Se Appellant

14 Lynn & Associates, LLC  
15 Phyllis Savage Lynn  
16 Albuquerque, NM

17 for Appellees

18 **MEMORANDUM OPINION**

19 **MEDINA, Chief Judge.**

20 {1} Worker, a self-represented litigant, appeals from the workers' compensation  
21 judge's (WCJ) order sua sponte dismissing Worker's complaint without prejudice  
22 for failure to comply with a previous order. This Court issued a calendar notice  
23 proposing to affirm. Worker filed a memorandum in opposition, raising three issues

1 that we did not previously address. We construe this as a motion to amend. Having  
2 considered Worker’s filing, we deny the motion to amend the docketing statement  
3 as nonviable, and affirm. *See State v. Moore*, 1989-NMCA-073, ¶ 42, 109 N.M. 119,  
4 782 P.2d 91 (stating that this Court will deny motions to amend that raise issues that  
5 are not viable), *superseded by rule on other grounds as recognized in State v.*  
6 *Salgado*, 1991-NMCA-044, ¶ 2, 112 N.M. 537, 817 P.2d 730.

7 {2} Worker maintains that the WCJ erred in dismissing Worker’s complaint  
8 because Worker is entitled to represent himself over the course of the proceedings.  
9 [MIO 2] But as this Court explained in its notice of proposed disposition, the right  
10 to self-representation is not absolute and a court may reject an attempt to self-  
11 represent if it “cause[s] delay or thwart[s] the orderly and fair administration of  
12 justice.” [SCN 4-6] *State v. Barela*, 2018-NMCA-067, ¶ 12, 429 P.3d 961. Our  
13 review of the record proper and the WCJ’s order dismissing Worker’s complaint  
14 established that Worker repeatedly obstructed the proceedings, refused to  
15 meaningfully participate, engaged in a pattern of abusive and threatening  
16 communications, and constantly attempted to raise civil allegations against  
17 nonparties to the worker’s compensation proceedings. [SCN 4-6] Accordingly, the  
18 WCJ did not abuse its discretion in dismissing Worker’s complaint without  
19 prejudice. [SCN 5-6] While Worker now cites to the Sixth Amendment in support,

1 the Sixth Amendment describes rights and protections for criminal prosecutions, not  
2 workers' compensation proceedings. *See* U.S. Const. amend. VI.

3 {3} As such, Worker does not now direct this Court to any new fact, law, or  
4 argument that persuades us that our notice of proposed disposition was incorrect.  
5 *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our  
6 courts have repeatedly held that, in summary calendar cases, the burden is on the  
7 party opposing the proposed disposition to clearly point out errors in fact or law.”);  
8 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating  
9 that a party responding to a summary calendar notice must come forward and  
10 specifically point out errors of law and fact, and the repetition of earlier arguments  
11 does not fulfill this requirement), *superseded by statute on other grounds as stated*  
12 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore refer Worker  
13 to our previous analysis in our proposed summary disposition.

14 {4} Worker additionally raises three new issues: (1) Worker was not given the  
15 opportunity to mediate his claims [MIO 2]; (2) the WCJ and Insurer are denying  
16 Worker medical treatment [MIO 2-3]; and (3) the WCJ and Insurer are preventing  
17 Worker from showing evidence related to Worker's proposed civil claims. [MIO 2-  
18 3] We disagree with Worker's description of the workers' compensation  
19 proceedings. First, the record proper establishes that Worker did have the  
20 opportunity to mediate, but the mediation ended almost immediately due to

1 Worker's behavior. [1 RP 147, ¶ 7] Second, like we discussed in our notice of  
2 proposed disposition, Worker requested that the WCJ dismiss the original stipulated  
3 petition so that Worker could proceed as a self-represented litigant. [SCN 4]  
4 Therefore, what treatment Worker is entitled to had not yet been determined and the  
5 WCJ and Insurer did not err in denying Worker's various filings for treatment before  
6 Worker's complaint had been resolved. Finally, Worker's evidence to support  
7 alleged civil claims against nonparties exceeds the scope of the workers'  
8 compensation proceedings, and therefore there was no error in denying Worker's  
9 repeated attempts to raise other civil allegations. [SCN 5]

10 {5} For the reasons stated in our notice of proposed disposition and herein, we  
11 affirm.

12 {6} **IT IS SO ORDERED.**

13   
14 **JACQUELINE R. MEDINA, Chief Judge**

15 **WE CONCUR:**

16   
17 **JENNIFER L. ATTREP, Judge**

18   
19 **GERALD E. BACA, Judge**