

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

ANTOINETTE MARQUEZ,

Court of Appeals of New Mexico
Filed 8/13/2026 7:49 AM

Petitioner-Appellant,


Mark Reynolds

and

**STATE OF NEW MEXICO, ex rel.
HUMAN SERVICES DEPARTMENT,**

Petitioner,

v.

No. A-1-CA-43281

BILLY COBOS,

Respondent-Appellee.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Bryan T. Fox, District Court Judge**

Antoinette Marquez
Santa Fe, NM

Pro Se Appellant

Law Office of Stephen M. Torres
Stephen M. Torres
Albuquerque, NM

for Appellee

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Appellant Antoinette Marquez, a self-represented litigant, appeals from the
district court's memorandum order entered February 9, 2026. [RP 979] We issued a

1 notice of proposed summary disposition proposing to affirm, and Appellant has
2 responded with a timely memorandum in opposition. After due consideration, we
3 remain unpersuaded that our initial proposed disposition was incorrect. We therefore
4 affirm the district court.

5 {2} In our notice of proposed disposition we addressed each of the ten issues
6 Appellant raised in the docketing statement, relying primarily on facts in the record
7 pertaining to a hearing held on September 11, 2025, and the district court's order
8 following that hearing. Appellant's memorandum in opposition continues to
9 challenge the district court's actions and order arising from the September 11, 2025
10 hearing. While purporting to address ten separate issues, Appellant's memorandum
11 in opposition repeatedly raises the following assertions of error: the district court did
12 not consider her evidence; Appellant was denied a meaningful opportunity to present
13 her case; the district court's order does not accurately reflect what took place at the
14 hearing; and the proceedings in the district court did not provide a meaningful review
15 of the issues. Insofar as the memorandum in opposition can be said to raise any other
16 matters, we address those at the end of this opinion.

17 {3} We turn first to what occurred during the September 11, 2025 hearing. In the
18 memorandum in opposition, Appellant asserts that the district court denied her a
19 meaningful opportunity to present evidence or argument during that hearing. [CN 4;
20 MIO 5, 6, 9, 13, 14, 16] Specifically, Appellant contends she was denied meaningful

1 review, adequate consideration of the evidence, and meaningful opportunity to
2 present her case because the district court refused to consider her evidence,
3 interrupted her, and terminated the hearing prematurely. [MIO 3-5]

4 {4} As noted in the proposed disposition, Appellant filed an “exhibit list” prior to
5 the hearing and included various documents, such as printed copies of emails,
6 messages, call logs, police reports, and receipts, as well as a USB drive. [CN 4; RP
7 727; MIO 12] The district court issued multiple notices of hearing, in which it
8 identified multiple motions to be heard during the hearing. [RP 696, 761, 804] The
9 notices all stated that the hearing would occur during the “summary hearing hour”
10 and provided that “there will not be time for an evidentiary hearing” but “[i]f a
11 formal evidentiary hearing is necessary, [the] motion will be rescheduled [for] an
12 appropriate amount of time.” [RP 697, 762, 805]

13 {5} Our review of the record proper indicates that during the hearing, the district
14 court judge asked Appellant multiple times not to talk over him while he was
15 explaining the law and legal process to her. [9/11/25 Hrg. 11:18:50-11:19:05,
16 11:22:40-11:23:30, 11:27:15-11:27:35, 11:34:17, 11:35:02, 11:36:40] The district
17 court’s various attempts to explain the correct process for presenting exhibits and
18 the difference between an evidentiary hearing and the one they were having that day
19 were met with Appellant repeatedly interrupting, disagreeing, and refusing to heed
20 the district court’s warnings and direction. [*See, e.g.*, 9/11/25 Hrg. 11:42:20-43:50]

1 Among the legal principles that the district court attempted to explain to Appellant
2 during the hearing was the fact that Appellant’s motion functioned procedurally as
3 a Rule 1-060(B) NMRA motion challenging the May 4, 2023 custody order. [CN
4 10; RP 817] As discussed at length in our proposed disposition, Appellant’s motion
5 sought relief from a final judgment based on fraud, so the district court applied Rule
6 1-060(B)(3) and concluded that the motion, filed more than two years after the
7 change of custody and more than one year after the last of the orders reaffirming that
8 custody determination, was untimely. [CN 10; RP 817]

9 {6} During the hearing, Appellant was given opportunities to speak and present
10 her position, but in doing so, she repeatedly referred to the evidence filed as part of
11 her “exhibit list.” [9/11/26 Hrg. 11:30:30, 11:38:46-40:05] When the district court
12 judge attempted to regain control over the proceedings, clarify the law, or ask a
13 question, Appellant repeatedly spoke over and argued with him. [9/11/25 Hrg.
14 11:34:20-50, 11:36:40-11:37:21, 11:40:07-41:25] In addition, after denying
15 Appellant’s motion for an ex parte order, the district court twice invited Appellant
16 to address the other pending motions, but she declined both times in order to continue
17 her efforts to discuss the “exhibit list” and attachments. [9/11/25 Hrg. 11:44:55-
18 45:08, 11:41:17]

19 {7} Insofar as Appellant argues that the district court erred when it terminated the
20 hearing in response to Appellant’s behavior and without addressing all motions, we

1 are unpersuaded. [MIO 6] Appellant has not addressed our suggestions in the
2 proposed disposition that Appellant cannot assert error in the district court's
3 termination of the hearing when Appellant's own conduct caused the district court
4 to end the hearing or that the district court acted within its authority by ending the
5 hearing. [CN 17] *See generally Concha v. Sanchez*, 2011-NMSC-031, ¶ 23, 150
6 N.M. 268, 258 P.3d 1060 (recognizing that courts are "universally acknowledged to
7 be vested, by their very creation, with power to impose silence, respect and decorum
8 in their presence, and submission to their lawful mandates." (internal quotation
9 marks and citation omitted)); *Cordova v. Taos Ski Valley, Inc.*, 1996-NMCA-009,
10 ¶ 13, 121 N.M. 258, 910 P.2d 334 ("A party who has contributed, at least in part, to
11 perceived shortcomings in a [district] court's ruling should hardly be heard to
12 complain about those shortcomings on appeal."); *Harrison v. Bd. of Regents of Univ.*
13 *of N.M.*, 2013-NMCA-105, ¶ 15, 311 P.3d 1236 ("The rationale underlying the
14 existence of the inherent power of the courts is that a court must be able to command
15 the obedience of litigants and their attorneys if it is to perform its judicial functions."
16 (internal quotation marks and citation omitted)). Accordingly, Appellant has not
17 demonstrated error. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421,
18 759 P.2d 1003 (stating that "[a] party responding to a summary calendar notice must
19 come forward and specifically point out errors of law and fact," and explaining that
20 the repetition of earlier arguments does not fulfill this requirement), *superseded by*

1 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d
2 374.

3 {8} Appellant also continues to assert that the district court erred in construing
4 Appellant’s challenges to the May 4, 2023 custody order, as a Rule 1-060(B)(3)
5 motion and in denying that motion as untimely without considering the merits of her
6 arguments. [MIO 10] We are unpersuaded. In the memorandum in opposition,
7 Appellant asserts that her allegations of fraud on the court were never adjudicated
8 and that the procedural limitations that apply to Rule 1-060(B)(3) did not apply.
9 [MIO 10-11] *See Moya v. Catholic Archdiocese of N.M.*, 1988-NMSC-048, ¶¶ 7-8,
10 107 N.M. 245, 755 P.2d 583. Appellant does not, however, describe evidence that
11 supported her assertion that she was asserting fraud on the court in procuring the
12 May 4, 2023 order. Fraud upon the court is a very narrow exception to the Rule 1-
13 060(B)(6) time limits, which is seldom applied because of the extreme nature of the
14 conduct that must be shown to qualify for relief from a judgment on this ground.
15 Appellant does not assert facts that support such extraordinary relief.

16 {9} To the extent that Appellant attempted to raise other fraud-related issues—
17 apart from fraud in the procurement of a judgment—the memorandum in opposition
18 is unresponsive to the analysis set forth in our proposed disposition, which took note
19 of Appellant’s failure to appeal the custody order, the fact that successive motions
20 for reconsideration cannot toll the time for appeal, and Rule 1-060(B)(6)’s

1 requirement that motions be filed not more than one year after judgment. [CN 9-12]
2 *See Mondragon*, 1988-NMCA-027, ¶ 10. Furthermore, we note that the record
3 proper does not support her assertion that the fraud issue was never adjudicated prior
4 to her Rule 1-060(B)(3) motion. Appellant asserts that the motion was not untimely
5 because she previously raised the fraud allegations in a motion filed on November
6 17, 2023, and the district court did not adjudicate it. [MIO 10] However, the district
7 court explicitly denied that motion in an order entered April 19, 2024. [RP 664]
8 Appellant does not explain how the denial of the November 17, 2023 motion was
9 insufficient for it to be “adjudicated” or how it impacted the timeliness of a motion
10 filed in August 2025.

11 {10} In addition, despite Appellant’s assertion to the contrary, the district court did
12 not rely upon an absence of evidence to deny Appellant’s motion. [MIO 11, 13, 14]
13 Instead, as discussed at length in our proposed disposition, the district court
14 concluded that Appellant’s arguments were untimely under Rule 1-060(B)(6), and
15 as a result, it declined to consider the merits of her Rule 1-060(B)(3) motion. [CN 9-
16 12, 13; RP 817] *See Rivera v. Trujillo*, 1999-NMCA-129, ¶ 19, 128 N.M. 106, 990
17 P.2d 219 (holding that the district court did not abuse its discretion in declining to
18 consider untimely presented deposition testimony because “we do not construe
19 rejection of such an untimely argument to have been an abuse of discretion”).
20 Appellant has not cited any authority to support her assertion that it was error for the

1 district court to do so. *See ITT Educ. Servs., Inc. v. N.M. Tax'n & Revenue Dep't*,
2 1998-NMCA-078, ¶ 10, 125 N.M. 244, 959 P.2d 969 (refusing to consider a
3 proposition that was unsupported by citation to authority).

4 {11} Appellant also claims there are “material discrepancies” between the
5 proceedings below and the facts in the district court’s order; she attacks the
6 “reliability of the factual findings” underlying the district court’s decision and
7 asserts that the district court’s order does not accurately reflect the proceedings.
8 [MIO 5, 17, 18] In particular, Appellant contends that the district court characterized
9 unresolved issues as resolved and claims that various motions were not adjudicated
10 because, despite being denied in a written order, they were not “meaningfully heard,
11 litigated, and resolved.” [MIO 19] We are unpersuaded.

12 {12} First, we note that Appellant has once again failed to identify any authority
13 that supports her assertion in this regard. *See id.* Second, Appellant fails to recognize
14 that we presume correctness in the district court’s ruling and that it is her burden to
15 demonstrate error on appeal. *See Farmers, Inc. v. Dal Mach. & Fabricating, Inc.*,
16 1990-NMSC-100, ¶ 8, 111 N.M. 6, 800 P.2d 1063 (explaining that we presume
17 correctness in the district court’s ruling and hold the appellant to the burden of
18 affirmatively demonstrating the claimed error). Third, to the extent Appellant
19 challenges the district court’s failure to make findings or explain its decisions, [RP
20 19] she has not responded to the analysis in our proposed disposition in which we

1 pointed out that she had neither demonstrated that she requested such findings nor
2 identified legal authority requiring the district court to make such findings. [CN 12-
3 13] *See Mondragon*, 1988-NMCA-027, ¶ 10; *Premier Tr. of Nev., Inc. v. City of*
4 *Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 (stating that “it is the
5 appellant’s burden to demonstrate, by providing well-supported and clear
6 arguments, that the district court has erred”).

7 {13} Insofar as Appellant asserts that the district court’s actions “undermine
8 confidence in the factual basis upon which the court exercised its discretion,” [MIO
9 18] we are unpersuaded. As discussed above, our review of the record supports the
10 district court’s characterization of the proceedings and Appellant’s actions during
11 the hearing. *See generally Benavidez v. Benavidez*, 2006-NMCA-138, ¶ 21, 140
12 N.M. 637, 145 P.3d 117 (“When a district court makes specific written findings of
13 fact that are supported by substantial evidence, those findings prevail over any
14 inconsistent conclusions of law or an inconsistent judgment.” (alterations, internal
15 quotation marks, and citation omitted)); *Las Cruces Pro. Fire Fighters v. City of Las*
16 *Cruces*, 1997-NMCA-044, ¶ 12, 123 N.M. 329, 940 P.2d 177 (stating that “we will
17 not reweigh the evidence nor substitute our judgment for that of the fact[-]finder”
18 and “[t]he question is not whether substantial evidence exists to support the opposite
19 result, but rather whether such evidence supports the result reached”). Appellant’s
20 general, repeated assertion that she has not received meaningful review, without

1 pointing to the facts necessary to assess that assertion or authority supporting her
2 contentions, are insufficient to satisfy her burden on appeal. *See Premier Tr. of Nev.,*
3 *Inc*, 2021-NMCA-004, ¶ 10; *Lukens v. Franco*, 2019-NMSC-002, ¶ 5, 433 P.3d 288
4 (stating that an appellant is obligated to “properly present this court with the issues,
5 arguments, and proper authority,” and emphasizing that “[m]ere reference [to these
6 components] in a conclusory statement will not suffice and is in violation of our
7 rules of appellate procedure” (internal quotation marks and citation omitted)).

8 {14} Appellant also asserts that the district court erred in allowing ninety-eight days
9 to pass between her filing what she characterized as a motion for ex parte emergency
10 custody and the September 11, 2025 hearing on the motion. [MIO 2] Appellant
11 asserts that the district court was obligated to hold a hearing within ten days of the
12 motion. [MIO 2] As discussed in our proposed disposition; however, Appellant has
13 not identified any authority to support her position that the district court had a
14 mandatory duty to hold a hearing on her motion within ten days or that any failure
15 to do so necessitates a certain result. [CN 3] *See ITT Educ. Servs., Inc.*, 1998-
16 NMCA-078, ¶ 10. Appellant suggests that our requirement that she cite relevant
17 authority “overlooks the core issue.” [MIO 2] We disagree.

18 {15} While we view pleadings by self-represented litigants with tolerance, they are
19 nevertheless, “held to the same standard of conduct and compliance with court rules,
20 procedures, and orders as are members of the bar.” *Camino Real Env’t Ctr., Inc. v.*

1 *N.M. Dep’t of Env’t*, 2010-NMCA-057, ¶ 21, 148 N.M. 776, 242 P.3d 343 (internal
2 quotation marks and citation omitted); *see Bruce v. Lester*, 1999-NMCA-051, ¶ 4,
3 127 N.M. 301, 980 P.2d 84 (stating the same). Moreover, “[a] party responding to a
4 summary calendar notice must come forward and specifically point out errors of law
5 and fact,” and the repetition of earlier arguments does not fulfill this requirement.
6 *Mondragon*, 1988-NMCA-027, ¶ 10. “[A]ppellate courts will not consider an issue
7 if no authority is cited in support of the issue and that, given no cited authority, we
8 assume no such authority exists.” *State v. Vigil-Giron*, 2014-NMCA-069, ¶ 60, 327
9 P.3d 1129; *see Lee v. Lee (In re Adoption of Doe)*, 1984-NMSC-024, ¶ 2, 100 N.M.
10 764, 676 P.2d 1329 (refusing to address issues unsupported by cited authority).

11 {16} Appellant also continues to assert that the district court erred in labelling her
12 as a vexatious litigant and threatening her with filing restrictions. [MIO 7-8] Our
13 proposed disposition set forth the ways in which the record proper does not support
14 Appellant’s assertion. [CN 7] In her memorandum in opposition, Appellant
15 acknowledges that “restrictions were not ultimately implemented” but asserts that
16 the threat carried prejudicial effect and that she should have been provided with
17 procedural safeguards—such as a hearing, notice, and findings—prior to being
18 characterized as vexatious. [MIO 7] Again, Appellant has not identified any
19 authority to support her argument. *See ITT Educ. Servs., Inc.*, 1998-NMCA-078,
20 ¶ 10. Moreover, as discussed in our proposed disposition, the district court cautioned

Appellant on more than one occasion, in written orders and during hearings, regarding her pattern of litigation. [CN 7; RP 918-19, 978] Given that the district court did not implement any restrictions and Appellant has failed to identify any relevant authority indicating the district court erred, her assertion of error is unpersuasive. *See In re Mokiligon*, 2005-NMCA-021, ¶ 10, 137 N.M. 22, 106 P.3d 584 (explaining that courts can implement restrictions on vexatious parties).

{17} Regarding Appellant’s contention that, under the Americans with Disabilities Act, she was not “afforded meaningful access to the proceeding once the accommodation was granted,” [MIO 8] Appellant makes no attempt to identify any inadequacy in the accommodations granted or explain how the accommodations were ineffective. Instead, Appellant asserts that a “telephonic appearance is not an effective accommodation when the litigant is prevented from presenting evidence, prevented from completing argument, and disconnected before the matters at issue are heard.” [MIO 9] We therefore understand Appellant’s assertion of error to be a repetition of her earlier challenge to the district court’s refusal to consider evidence during the hearing, interruptions during the hearing, and decision to terminate the hearing. As discussed above, we discern no abuse of discretion in the district court’s actions. *See e.g., State ex rel. Hum. Servs. Dep’t v. Rawls*, 2012-NMCA-052, ¶ 8, 279 P.3d 766 (stating that this Court reviews the denial of Rule 1-060(B) motions for an abuse of discretion). Appellant also asserts that matters raised in a motion

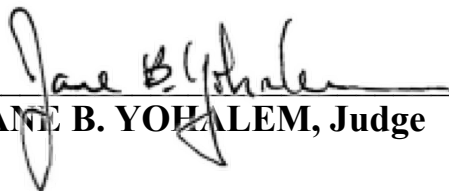
1 filed in this Court on April 15, 2026, “were not fully resolved and remain pending,”
2 [MIO 1-2] we disagree. All pending matters contained in that motion were expressly
3 denied in our proposed disposition. [CN 1]

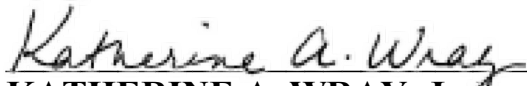
4 {18} For the reasons stated in our notice of proposed disposition and herein, we
5 affirm.

6 {19} **IT IS SO ORDERED.**

7
8 
SHAMMARA H. HENDERSON, Judge

9 **WE CONCUR:**

10 
11 **JANE B. YOHALEM, Judge**

12 
13 **KATHERINE A. WRAY, Judge**