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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 11/5/2026 8:10 AM
Mark Reynolds

MICHELLE MASSIE,

Plaintiff-Appellant,

v. **No. A-1-CA-43079**

LOVELACE HEALTH SYSTEM, LLC,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Elaine P. Lujan, District Court Judge

Michelle Massie
Albuquerque, NM

Pro Se Appellant

Peifer, Hanson, Mullins & Baker, P.A.
Robert E. Hanson
Albuquerque, NM

for Appellee

MEMORANDUM OPINION

HANISEE, Judge.

{1} Plaintiff, a self-represented litigant, appeals from the district court's order denying Plaintiff's motions to reconsider and closing the case. Plaintiff challenges the district court's orders that dismissed her complaint, denied all of her outstanding motions, and granted Defendant a protective order. We issued a notice proposing to

summarily affirm. Plaintiff has responded to our notice with a memorandum in opposition, which we have duly considered. We remain unpersuaded and affirm.

{2} Our notice proposed to affirm on the basis that Plaintiff's docketing statement did not provide: (1) a summary of all the facts relevant to the issues listed; (2) citation to authority, along with a parenthetical explanation of the relevance of each authority cited; or (3) adequate information to support and *demonstrate* the substantive claims she raised in district court or the preservation of those claims of error. [CN 2-11] In response to our notice, Plaintiff's memorandum in opposition includes a detailed summary of events in district court [MIO 1-2], acknowledgement that she did not follow the rules with respect to several of her filings [MIO 3-5], an assertion that the prejudice she suffered was that the district court did not consider her claims on the merits [MIO 6], and continued challenges to the process she was afforded in district court [MIO 5-7]. Plaintiff's response, however, continues to not explain how she responded to the merits of Defendant's arguments, does not demonstrate with reference to controlling authority that her due process rights were violated, and fails to establish she preserved a showing that her due process rights were violated, and that if she had been afforded more process, then her substantive claims would have prevailed. Specifically, Plaintiff's response does not explain how she demonstrated to the district court that her claims should not be denied on the merits due to the expiration of the statute of limitations or how she alleged sufficient facts to support

her claims of fraud, negligence, intentional infliction of emotional distress, or the violation of a statute or regulation. [CN 4-5]

{3} As our proposed analysis shows, Plaintiff had opportunity to sufficiently allege her claims, but instead chose to challenge the process with which the district court denied her claims. [CN 5-6, 10] We reemphasize the warning made in our proposed analysis that addressing the merits of why the district court dismissed Plaintiff's claims is as important as how the district court dismissed her claims because a due process analysis requires a showing of prejudice, meaning that the result on the merits would have been different had the process been greater. *See Jones v. N.M. State Racing Comm'n*, 1983-NMSC-089, ¶ 6, 100 N.M. 434, 671 P.2d 1145 (rejecting a due process claim in the absence of a showing of prejudice); *see also State v. Ernesto M., Jr.* (*In re Ernesto M., Jr.*), 1996-NMCA-039, ¶ 10, 121 N.M. 562, 915 P.2d 318 ("An assertion of prejudice is not a showing of prejudice.").

{4} Because Plaintiff has not cured the deficiencies in her docketing statement and has not shown specific errors of law or fact in our proposed analysis, we conclude that Plaintiff has not demonstrated error. *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.

{5} For the reasons stated above and those set forth in our notice, we affirm the district court's rulings.

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

J. MILES HANISEE, Judge

WE CONCUR:

JANE B. YOHALEM, Judge

GERALD E. BACA, Judge