

**CEDRINS V. SHRESTHA**

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**INARA CEDRINS,**  
Plaintiff-Appellant,  
**v.**  
**RAMESH KUMAR SHRESTHA,**  
**JAMES AND SHARON PREWITT,**  
Defendants-Appellees.

No. 32,146

COURT OF APPEALS OF NEW MEXICO

January 11, 2013

**COUNSEL**

Inara Cedrins, Chicago, IL, Pro Se Appellant

Ramesh Kumar Shrestha, Albuquerque, NM, Pro Se Appellees

**JUDGES**

CYNTHIA A. FRY, Judge. WE CONCUR: LINDA M. VANZI, Judge, J. MILES HANISEE, Judge

**AUTHOR:** CYNTHIA A. FRY

**MEMORANDUM OPINION**

**FRY, Judge.**

Appellant Inara Cedrins, pro se, filed a docketing statement in this Court on May 17, 2012. On November 14, 2012, we issued a notice of proposed summary disposition proposing to dismiss for lack of a final order. Appellant has responded with a timely memorandum in opposition, which we have duly considered. We remain unpersuaded that our initial proposed disposition was incorrect, and we therefore dismiss this appeal.

**DISCUSSION**

Following a prior appeal in this case from a non-final order, we dismissed the appeal and remanded the case to the district court on March 1, 2011. [RP 180] The district court entered judgment on the mandate on July 5, 2011. In the order, the court stated that there was no final order entered in the case, and it would set a hearing on Appellant's objections to the proposed order granting the motion to dismiss, denying her motion to compel, and denying her motion for sanctions. [RP 218] The record indicates that the district court held a hearing on Appellant's motions on December 15, 2011. [RP 231] Based on our review of the record, there has been no order filed following that hearing. Appellant filed her Notice of Appeal on March 30, 2012. [RP 269]

In our notice of proposed disposition, we proposed to dismiss this appeal because there was no final order in the record, and Appellant stated that in her docketing statement that no final order had been filed in the case. [DS numbered 14] In response, Appellant states that the district court judge said that he was "not persuaded" at the December 15, 2011, hearing on her motion and stated that a prior October 20, 2010, order dismissing the case stood. [MIO 1] However, the district court's oral statement that a prior ruling stood is not a written order, which is a prerequisite to appeal. See *Ramirez v. City of Santa Fe*, 115 N.M. 417, 423, 852 P.2d 690, 696 (stating that a party may only appeal from a written order); *Bouldin v. Bruce M. Bernard, Inc.*, 78 N.M. 188, 188-89, 429 P.2d 647, 647-48 (1967) ("[A]ppeals will lie only from a formal written order or judgment signed by the judge and filed in the case, or entered upon the records of the court and signed by the judge thereof."). Because there has been no written order entered following the December hearing on Appellant's motions, we are of the opinion that Appellant filed her notice of appeal before there was a final order in this case. See *Kelly Inn No. 102, Inc. v. Kapnison*, 113 N.M. 231, 234-40, 824 P.2d 1033, 1036-42 (1992) (stating that this Court's jurisdiction lies from final, appealable orders); see also NMSA 1978, § 39-3-2 (1966).

For these reasons, we dismiss the appeal. Once Appellant has obtained a final written order from the district court, she is free to pursue her appeal in accordance with our rules of appellate procedure.

**IT IS SO ORDERED.**

**CYNTHIA A. FRY, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**