

CHASE V. GIRON

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CHASE HOME FINANCE LLC,
Plaintiff-Appellee,

v.

**RICO S. GIRON, aka RICARDO
S. GIRON**

Defendant-Appellant,

and

**DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE,
TAXATION AND REVENUE DEPARTMENT
OF THE STATE OF NEW MEXICO, and
RW VENTURES, INC.,**
Defendants.

NO. 29,194

COURT OF APPEALS OF NEW MEXICO

December 16, 2009

APPEAL FROM THE DISTRICT COURT OF SAN MIGUEL COUNTY, Donald C.
Schutte, District Judge

COUNSEL

SHEEHAN, SHEEHAN & STELZNER, P.A., Juan L. Flores, Albuquerque, NM, for
Appellee

Ricardo S. Giron, Las Vegas, NM, Pro Se Appellant

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, ROBERT
E. ROBLES, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Defendant appeals from an order striking his jury demand. [RP 213, 253] Defendant raises several claims of error relating to the proceedings that have occurred thus far in the case. However, because we are without jurisdiction to address Defendant's claims of error at this point in the litigation, we dismiss Defendant's appeal.

This Court's jurisdiction is limited to appeals from final judgments, interlocutory orders which practically dispose of the merits of an action, and final orders after entry of judgment which affect substantial rights. NMSA 1978, § 39-3-2 (1966). "In general, an order or judgment is not considered final unless all issues of law and fact have been determined and the case disposed of by the [district] court to the fullest extent possible." *Khalsa v. Levinson*, 1998-NMCA-110, ¶ 17, 125 N.M. 680, 964 P.2d 844 (internal quotation marks and citation omitted).

This case is a suit for foreclosure. [RP 1] Because the district court's order striking Defendant's jury demand did not determine all issues of law and fact raised by the foreclosure action and did not dispose of the case to the fullest extent possible, that order was not a final order for purposes of appeal. Furthermore, there has been no other order entered in the case disposing of the foreclosure action. We therefore dismiss the appeal. See *Mimbres Valley Irrigation Co. v. Salopek*, 2006-NMCA-093, ¶ 23, 140 N.M. 168, 140 P.3d 1117 (dismissing an appeal for lack of a final order). We note, however, that once the district court enters a final order in the case, any aggrieved party will be free to appeal at that time in accordance with case law and the New Mexico Rules of Appellate Procedure.

Therefore, for the reasons stated in this opinion and in our notice of proposed summary disposition, we dismiss Defendant's appeal.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

ROBERT E. ROBLES, Judge