

**CITY OF ALBUQUERQUE EX REL. ALBUQUERQUE POLICE DEP'T V. WALLER**

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**CITY OF ALBUQUERQUE, ex rel.  
ALBUQUERQUE POLICE DEPARTMENT,  
Plaintiff-Appellee,**

**v.**

**ONE (1) 1996 DODGE P/U SILVER,  
VIN: 1B7HF16ZXTJ191924,  
NEW MEXICO LICENSE # 294RLJ,  
Defendant,**

**and**

**DIANNA WALLER,  
Claimant-Appellant.**

NO. 35,446

COURT OF APPEALS OF NEW MEXICO

July 7, 2016

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Alan M. Malott,  
District Judge

**COUNSEL**

City of Albuquerque Legal Department, Jessica Hernandez, City Attorney, Kyle Hibner,  
Assistant City Attorney, Albuquerque, NM, for Appellee

Dianna Wallen, Albuquerque, NM, Pro Se Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: LINDA M. VANZI, Judge, J. MILES  
HANISEE, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Claimant-Appellant Dianna Waller (Appellant) has sought to appeal from an order granting forfeiture pursuant to the City of Albuquerque's DWI-related civil forfeiture ordinance. We previously issued a notice of proposed summary disposition in which we proposed to dismiss. Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded.

{2} As we previously observed, the filing of a timely notice of appeal is a mandatory precondition to this Court's jurisdiction. *In re Yalkut*, 2008-NMSC-009, ¶ 24, 143 N.M. 387, 176 P.3d 1119 (per curiam). In this case, Appellant filed her notice of appeal nearly a month late. We therefore proposed to dismiss. *See, e.g., Chavez v. U-Haul Co. of N.M.*, 1997-NMSC-051, ¶¶ 19-22, 124 N.M. 165, 947 P.2d 122 (declining to hear an appeal filed thirty days late).

{3} In her memorandum in opposition Appellant offers neither any basis for extending the filing deadline nor any justification for the delay. [MIO 2] Instead, we understand Appellant to invite the Court to consider the "extensive facts" and the merits of the appeal notwithstanding the untimely filing. [MIO 29A] We decline.

{4} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we dismiss.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**