

COMMUNITY 1ST BANK LAS VEGAS V. QUICK CARE, LLC

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COMMUNITY 1st BANK LAS VEGAS,
Plaintiff-Appellee,

v.

**QUICK CARE, LLC, a New Mexico
limited liability company, and
ALFONSO ARCHULETA,**
Defendants-Appellants.

No. 35,090

COURT OF APPEALS OF NEW MEXICO

June 21, 2016

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Manuel I Arrieta,
District Judge

COUNSEL

Moses, Dunn, Farmer & Tuthill, P.C., Nathan C. Sprague, Albuquerque, NM, for
Appellee

Alfonso Archuleta, Las Cruces, NM, Pro Se Appellant

JUDGES

JONATHAN B. SUTIN, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
STEPHEN G. FRENCH, Judge

AUTHOR: JONATHAN B. SUTIN

MEMORANDUM OPINION

SUTIN, Judge.

{1} Defendant Alfonso Archuleta appeals, pro se, from a district court order denying a motion to set aside a judgment pursuant to Rule 1-060(B) NMRA. We issued a calendar notice proposing to affirm. Defendant has responded with a pro se memorandum in opposition. We affirm.

{2} As we previously observed, Defendant's notice of appeal indicates that he is appealing from two orders. [RP 719] The first order is a January 30, 2014, order that included the denial of his motion to intervene. [RP 461, 722] We note that the ruling was based on the fact that Defendant Archuleta was already a party in the case. [RP 461 (¶ 1)] In any event, the matter became moot when Defendant entered into a subsequent settlement and a stipulated order of dismissal with prejudice in August 2014. [RP 613]

{3} The second order listed on the notice of appeal [RP 719] is a September 22, 2015, order that denied Defendant Archuleta's motion to set aside the original judgment. [RP 700] The Rule 1-060(B) motion argued that the judgment should be set aside as applied to Defendant Quick Care, LLC. [RP 617] Our calendar notice proposed to hold that the district court properly denied the motion on the ground that Defendant Archuleta could not represent Defendant Quick Care. See LR3-202(B) NMRA (prohibiting pro se parties from representing corporations); see also NMSA 1978, § 36-2-27 (1999) (prohibiting the unauthorized practice of law). Because Defendant Archuleta's memorandum in opposition continues to attempt to advocate on behalf of Defendant Quick Care, we conclude that he has not established any error below.

{4} For the reasons set forth in this Opinion, we affirm.

{5} IT IS SO ORDERED

JONATHAN B. SUTIN, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

STEPHEN G. FRENCH, Judge