

D DUNAGAN V. G CHAVEZ

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DANIEL R. DUNAGAN, Petitioner-Appellee,
v.
GLORIA CHAVEZ, Respondent-Appellant.

Docket No. 29,188

COURT OF APPEALS OF NEW MEXICO

April 21, 2009

APPEAL FROM THE DISTRICT COURT OF GRANT COUNTY, MIKE MURPHY,
District Judge.

COUNSEL

Gloria Chavez, Hurley, NM, Pro Se Appellant.

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
ROBERT E. ROBLES, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Respondent, pro se, appeals the district court's order granting the petition for dissolution of marriage and dividing the property. We issued a notice of proposed summary disposition, proposing to affirm the district court's order. In our notice, we stated that the arguments Respondent raises on appeal should have been raised first in district court, including Respondent's arguments that she was not given notice of the hearing on the petition for dissolution of marriage. [CN 2] We explained that if Respondent wishes to pursue the claims she has raised in the Court, then she may do so in district court by seeking relief from the final order. [CN 2-3] We referred

Respondent to Rule 1-060(B) NMRA (permitting parties to seek relief from a judgment on several grounds, including mistake, inadvertence, excusable neglect, newly discovered evidence, the judgment is void, etc.) [CN 2-3] Respondent has filed an informal memorandum in opposition to our notice, indicating that she has filed a motion to reconsider the order granting petition for dissolution of marriage in district court. We construe this response as an acceptance of our proposed disposition. Accordingly, we affirm.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

ROBERT E. ROBLES, Judge