

DERRINGER V. DERRINGER

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BARRIE LEE DERRINGER,
Petitioner-Appellee,
v.
DAVID BRIAN DERRINGER,
Respondent-Appellant.

No. 32,587

COURT OF APPEALS OF NEW MEXICO

March 6, 2013

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Alisa A. Hadfield,
District Judge

COUNSEL

Alain Jackson, Albuquerque, NM, for Appellee

David Derringer, Albuquerque, NM, Pro Se Appellant

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, J. MILES
HANISEE, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

Appearing pro se, Respondent/Appellant, David Brian Derringer, appeals from the district court's minute order and bifurcated decree of divorce (divorce order) and from the district court's order on reserved issues and numerous motions filed by Respondent (order on reserved issues). [RP 298, 677] We issued a notice proposing to summarily

affirm, and Respondent filed a memorandum in opposition. We remain unpersuaded by Respondent's arguments and affirm.

Respondent challenges every aspect of the district court's divorce order and order on reserved issues. In our notice, we discussed the fifty-three issues raised by Respondent in his docketing statement and proposed to affirm with respect to each issue. In his memorandum in opposition, Respondent appears to reiterate all of the arguments he made previously, citing numerous cases and secondary authorities in support of his position.

Among other things, Respondent continues to request that this Court review the decisions of the district court with respect to two different cases—the divorce proceeding (DM-2012-610), and a related criminal proceeding (DV-2012-234). [MIO 1, 12] As we mentioned in our notice, the criminal proceeding is not the subject of this appeal, and we cannot review any orders or decisions made by the district court in the criminal case.

Respondent devotes a large portion of his memorandum in opposition to his argument that the district court violated his rights under the Second Amendment. [MIO 16-25] He requests that we remand with instructions to award "restitution of millions of dollars for depriving [him of his] Constitutional rights." [MIO 20] In our notice, we proposed to affirm because it did not appear that Respondent had presented this issue to the district court, and we invited Respondent to explain how this issue was raised, the arguments he made, and the district court's ruling. Respondent has failed to provide such information, and we thus do not consider this issue on appeal. *See Campos Enters. Inc. v. Edwin K. Williams & Co.*, 1998-NMCA-131, ¶ 12, 125 N.M. 691, 964 P.2d 855 ("As a court of review, we cannot review [the appellant's] allegations which were not before the district court.").

With respect to Respondent's other arguments, we have carefully reviewed the memorandum in opposition and remain persuaded that our proposed disposition applied the proper standard of review and reached the correct result. For the reasons stated in our calendar notice, we affirm the district court's divorce order and order on reserved issues.

IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

TIMOTHY L. GARCIA, Judge

J. MILES HANISEE, Judge