

DERRINGER V. DERRINGER

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

NO. 32,113

COURT OF APPEALS OF NEW MEXICO

August 28, 2012

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

COUNSEL

Alain Jackson, Albuquerque, NM, for Appellee

David Derringer, Albuquerque, NM, Pro Se Appellant

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
LINDA M. VANZI, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

David Derringer (Respondent) appeals from the district court's "Minute Order and Bifurcated Decree of Divorce." We issued a calendar notice proposing to dismiss the appeal for lack of a final order. Respondent has filed a memorandum in opposition to our calendar notice. Respondent has also filed an emergency motion to dismiss the

petition for divorce and the order of protection entered by the district court or, in the alternative, stay the proceedings, order the district judge to recuse herself, and remove the district judge from the bench. We have considered Respondent's arguments, and we are not persuaded by them. We dismiss the appeal.

As we explained in our calendar notice, the decree entered by the district court grants the parties a divorce, but reserves all other issues. The decree is not final for purposes of appeal. The decree does not include an express determination that there is no just reason for delay as required by Rule 1-054(B)(1) NMRA. The decree contains no decretal language indicating that the district court intended for the order to be final and appealable. See *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 119 N.M. 29, 37, 888 P.2d 475, 483 (Ct. App. 1994). The decree does not determine all issues of law and fact, or dispose of the case to the fullest extent possible. *Kelly Inn No. 102, Inc. v. Kapnison*, 113 N.M. 231, 236, 824 P.2d 1033, 1038 (1992). Because the decree is not a final order and is therefore not appealable, we dismiss Respondent's appeal. Our appellate jurisdiction is limited to appeals that are timely filed from final decisions, orders, or judgments. See *State v. Lohberger*, 2008-NMSC-033, ¶ 19, 144 N.M. 297, 187 P.3d 162. We have no jurisdiction over this case. Therefore, we need not address Respondent's emergency motion.

For the reasons discussed in this Opinion and in our calendar notice, we dismiss Respondent's appeal.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

LINDA M. VANZI, Judge