

**DIAZ V. JOE**

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**CARLOS DIAZ,  
Plaintiff-Appellant,  
v.  
ORVAL CRUZ JOE,  
Defendant-Appellee.**

NO. 34,369

COURT OF APPEALS OF NEW MEXICO

February 2, 2016

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY, James L. Sanchez,  
District Judge

**COUNSEL**

Carlos L. Diaz, Albuquerque, NM, Pro Se Appellant

John T. Fitzpatrick, Albuquerque, NM, for Appellee

**JUDGES**

RODERICK T. KENNEDY, Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, M.  
MONICA ZAMORA, Judge

**AUTHOR:** RODERICK T. KENNEDY

**MEMORANDUM OPINION**

**KENNEDY, Judge.**

{1} Plaintiff Carlos Diaz (Plaintiff), personal representative of his deceased brother, appeals from the district court's judgment finding the existence of an equitable real estate contract whereby Defendant agreed to purchase real property from the brother of Plaintiff. [DS 1; RP 113] This Court issued a notice proposing to dismiss Plaintiff's

appeal for lack of a final order. Plaintiff did not file a memorandum in opposition but instead filed a motion requesting an indefinite extension of time until the district court enters its final order. Plaintiff's motion is **DENIED**. Because the district court has not entered a final order, we dismiss Plaintiff's appeal for the reasons provided in our notice.

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

**RODERICK T. KENNEDY, Judge**

**WE CONCUR:**

**TIMOTHY L. GARCIA, Judge**

**M. MONICA ZAMORA, Judge**