

GREGORY V. MARR

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ROBERT E. GREGORY,
Plaintiff-Appellant,
v.
TERESA MARR,
Defendant-Appellee.

No. 29,318

COURT OF APPEALS OF NEW MEXICO

March 4, 2010

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Jerald A.
Valentine, District Judge

COUNSEL

Robert E. Gregory, El Paso, TX, Pro Se Appellant

Madison, Harbour & Mroz, P.A., Michael H. Harbour, Sean P. McAfee, Albuquerque,
NM, for Appellee

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, LINDA M.
VANZI, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Plaintiff appeals the order granting summary judgment in favor of Defendant. We proposed to affirm in a calendar notice. We have received a memorandum in support from Appellee. Appellant has not filed any opposition to our proposed calendar notice,

and the time for doing so has passed. "Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice." *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993). Therefore, for the reasons discussed in our calendar notice, we affirm the decision of the district court.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

LINDA M. VANZI, Judge