

ITALIGREE INVESTMENTS V. CHAPPELLE

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ITALIGREE INVESTMENTS, LLC,
a Texas limited liability Company,
Plaintiff-Appellee,
v.
**JETHRO CHAPPELLE; JETHRO
CHAPPELLE, JR.,**
Defendants-Appellants.

NO. 30,436

COURT OF APPEALS OF NEW MEXICO

September 28, 2010

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, George P.
Eichwald, District Judge

COUNSEL

Brad L. Hays, Rio Rancho, NM, for Appellee

Jethro Chappelle, New York, NY, Pro se Appellant

JUDGES

CELIA FOY CASTILLO, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, RODERICK
T. KENNEDY, Judge

AUTHOR: CELIA FOY CASTILLO

MEMORANDUM OPINION

CASTILLO, Judge.

Defendant appeals the district court's order dismissing Defendant's pleadings and finding that it lacked jurisdiction over the matter. In our calendar notice, we explained

that Defendant had previously appealed from the default judgment entered by the district court, and that case ended in dismissal when we issued our memorandum opinion. [RP 133] Our decision to dismiss the previous appeal became the “law of the case,” and the district court no longer has jurisdiction over the case. See *State of N.M. ex rel. Gary K. King v. UU Bar Ranch Ltd. P’ship*, 2009-NMSC-010, ¶ 22, 145 N.M. 769, 205 P.3d 816 (citation omitted). Defendant does not challenge our explanation regarding the “law of the case” doctrine. See *State v. Hearne*, 112 N.M. 208, 214, 813 P.2d 485, 491 (Ct. App. 1991) (pointing out that when facts are undisputed and application of legal principles is clear, case is appropriately decided on summary calendar); see also *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.”).

Therefore, for the reasons set out in this opinion and those included in our calendar notice, we dismiss Defendant’s appeal.

IT IS SO ORDERED.

CELIA FOY CASTILLO, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

RODERICK T. KENNEDY, Judge