

**LUCERO V. THOMPSON**

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**MICHAEL C. LUCERO,**  
Petitioner-Appellant,

v.

**APRIL D. THOMPSON,**  
Respondent-Appellee.

No. 32,529

COURT OF APPEALS OF NEW MEXICO

June 13, 2013

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Gerard J.  
Lavelle, District Judge

**COUNSEL**

Lastrapes, Spangler & Pacheco, Phillip E. Marbury, Rio Rancho, NM, for Appellant

Kelley Family Law, P.C., Patrick T. Kelley, Albuquerque, NM, for Appellee

**JUDGES**

LINDA M. VANZI, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge,  
MICHAEL D. BUSTAMANTE, Judge

**AUTHOR:** LINDA M. VANZI

**MEMORANDUM OPINION**

**VANZI, Judge.**

Petitioner appeals from a district court order permitting Respondent to relocate the children and modifying custody accordingly. We issued an amended calendar notice proposing to affirm. Petitioner has not filed a memorandum in opposition, and the time for doing so has expired. See Rule 12-210(D)(3) NMRA. Accordingly, we affirm the

district court order. See *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993) (“Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice.”). Respondent’s motion to expedite mandate is hereby **GRANTED**.

**IT IS SO ORDERED.**

**LINDA M. VANZI, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Chief Judge**

**MICHAEL D. BUSTAMANTE, Judge**