

NAJIBI V. HALLIBURTON

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**MICHAEL NAJIBI,
Worker-Appellant,
v.
HALLIBURTON ENERGY SERVICE, and
ACE AMERICAN INSURANCE CO.,
Employer/Insurer-Appellees.**

No. 36,208

COURT OF APPEALS OF NEW MEXICO

July 26, 2017

APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION, David
Skinner, Workers' Compensation Judge

COUNSEL

Michael Najibi, Las Cruces, NM, Pro se Appellant

Butt, Thornton & Baehner PC, M. Scott Owen, Albuquerque, NM, for Appellees

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, HENRY M.
BOHNHOFF, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} Worker-Appellant Michael Najibi ("Worker") appeals from the workers' compensation judge's ("WCJ") amended compensation order dismissing his complaint with prejudice. We previously issued a notice of proposed summary disposition in which

we proposed to dismiss. Worker has filed a memorandum in opposition. After due consideration, we remain unpersuaded.

{2} As we previously observed, the filing of a timely notice of appeal is a mandatory precondition to this Court's jurisdiction. *In re Yalkut*, 2008-NMSC-009, ¶ 24, 143 N.M. 387, 176 P.3d 1119 (per curiam). In this case, Worker filed his notice of appeal nearly three months late. We therefore proposed to dismiss. *See, e.g., Chavez v. U-Haul Co. of N.M.*, 1997-NMSC-051, ¶¶ 19-22, 124 N.M. 165, 947 P.2d 122 (declining to hear an appeal filed thirty days late).

{3} In his memorandum in opposition Worker offers neither any basis for extending the filing deadline, nor any justification for the delay. [MIO 1-4] Instead, we understand Worker to invite the Court to consider the merits of the appeal notwithstanding the untimely filing. [Id.] We decline.

{4} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we dismiss.

{5} IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

HENRY M. BOHNHOFF, Judge