

**TORRES V. GOMEZ**

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**RUDY TORRES,**  
Plaintiff-Appellant,

v.

**OFFICER VERONICA GOMEZ, OFFICER  
JOHN DOE I and OFFICER JOHN DOE II,  
individually and in their official capacities as  
officers of the Lovington Police Department,  
DAVID RODRIGUEZ, in his official  
capacity as the Chief of Police of the Lovington  
Police Department, PADDY DOWNEY, as the  
Administrator of the Lea County Detention Center,  
and the as yet unknown agents and employees of the  
LEA COUNTY DETENTION CENTER,  
Defendants-Appellees.**

No. 35,587

COURT OF APPEALS OF NEW MEXICO

June 14, 2016

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, William G. Shoobridge,  
District Judge

**COUNSEL**

The Sawyers Law Group, James W. Klipstine, Jr., Hobbs, NM, for Appellant

Childress Law Firm, Ronald J. Childress, Albuquerque, NM, for Appellees Paddy  
Downey and the Lea County Detention Center

Potts & Associates, Amy L. Glasser, Albuquerque, NM, for Appellees Veronica Gomez,  
David Rodriguez, and the City of Lovington Police Department

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: LINDA M. VANZI, Judge, TIMOTHY L. GARCIA, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Plaintiff filed suit against Defendants in district court, but judgment as a matter of law was entered against him following presentation of his case. The district court's order was entered on January 27, 2016. Plaintiff then filed a notice of appeal in district court on February 23, 2016, but he did not cause a copy of the notice of appeal to be filed in this Court. In addition, Plaintiff requested an extension of time in which to file a docketing statement from the district court, rather than this Court, despite the fact that, unlike the situation with a notice of appeal, the district court has no authority to grant an extension of time for filing a docketing statement in this Court. In any event, no docketing statement has yet been filed in either this Court or the district court. Defendants have now filed a motion to dismiss Plaintiff's appeal for failure to comply with the rules of appellate procedure, and the deadline for filing a response to that motion has passed. We therefore grant Defendants' motion to dismiss and dismiss this appeal due to Plaintiff's failure to perfect the appeal by complying with Rules 12-202(E) and 12-208(B) NMRA.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**TIMOTHY L. GARCIA, Judge**