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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

JOHN R. POLK,

Plaintiff-Appellant,

v.

No. A-1-CA-37510

**JPMORGAN CHASE BANK, N.A.,
d/b/a CHASE BANK a/k/a CHASE
BANK USA, N.A.,**

Defendant-Appellee,

and

**MARY BETH EVANS and BRIAN
EVANS,**

Defendants.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
C. Shannon Bacon, District Judge**

Law Offices of John Polk
John R. Polk
Albuquerque, NM

for Appellant

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for Appellee

MEMORANDUM OPINION

VARGAS, Judge.

{1} Appellant John R. Polk appeals from the district court's order granting Defendant-Appellee Chase Bank USA, N.A.'s motion to dismiss the amended complaint with prejudice. [RP 190] However, this Court issued a notice of proposed disposition, proposing to summarily dismiss for lack of a final order, because it appeared that there remained claims pending in district court against other named Defendants. [CN 3] We therefore proposed to conclude that the order at issue was non-final, that the district court had not yet been divested of jurisdiction, and that Plaintiff's appeal was premature. [CN 3] In response, Plaintiff has not filed a memorandum in opposition to our proposed disposition. Appellee filed a memorandum in support of our proposed summary disposition.

{2} Accordingly, we rely on the reasoning contained in our notice of proposed disposition and we dismiss Plaintiff's appeal for lack of a final order.

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

JULIE J. VARGAS, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

MEGAN P. DUFFY, Judge