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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39417**

**JUSTIN MILLER,**

Plaintiff-Appellant,

v.

**THE GEO GROUP, INC. and  
DWAYNE SANTISTEVAN,**

Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY  
Michael H. Stone, District Judge**

Justin J. Miller  
Hobbs, NM

Pro Se Appellant

YLAW, P.C.  
Michael S. Jahner  
Albuquerque, NM

for Appellees

**MEMORANDUM OPINION**

**BOGARDUS, Judge.**

{1} Plaintiff appeals from the district court's order denying Plaintiff's motion for judgment on the pleadings and granting Defendants' cross-motion for judgment on the pleadings. We entered a notice of proposed disposition, proposing to affirm. In response, Plaintiff filed a "[m]emorandum in [r]esponse," stating that "Plaintiff must concede that the district court did not err in granting . . . Defendants' [m]otion for [j]udgment on the [p]leadings." [MIO PDF 1] Plaintiff also states "the current ruling should, unfortunately, stand." [MIO PDF 2] We note that Plaintiff's response to the calendar notice does not point out any errors of fact or law in the notice. *See 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.”). We therefore construe the response as a memorandum in support of the proposed disposition.

{2} Accordingly, and for the reasons stated in our notice of proposed disposition, we affirm.

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

**KRISTINA BOGARDUS, Judge**

**WE CONCUR:**

**BRIANA H. ZAMORA, Judge**

**SHAMMARA H. HENDERSON, Judge**