

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

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

**No. A-1-CA-39787**

**SARAH SHUTES,**

Petitioner-Appellee,

v.

**GABRIEL AVILUCEA,**

Respondent-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**  
**Debra Ramirez, District Judge**

Sarah Shutes  
Albuquerque, NM

Pro Se Appellee

Cristina A. Mulcahy  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**ATTREP, Judge.**

{1} Respondent appeals the district court's issuance of an order of protection to Petitioner. We issued a notice of proposed summary disposition proposing to reverse and remand. Respondent filed a memorandum in support of our proposed summary affirmance, which we have duly considered. Petitioner did not file a memorandum in opposition to our proposed disposition, and the time for doing so has now run.

{2} For the reasons outlined in our notice of proposed disposition, and in the absence of opposition from either party, we conclude that the evidence was insufficient to support the issuance of a protective order. Accordingly, we reverse and remand.

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

**JENNIFER L. ATTREP, Judge**

**WE CONCUR:**

**KRISTINA BOGARDUS, Judge**

**JANE B. YOHALEM, Judge**