

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 Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions.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-40783**

**SCOTT BROTHERTON,**

Plaintiff-Appellant,

v.

**STATE OF NEW MEXICO, NEW  
MEXICO DEPARTMENT OF  
CORRECTIONS, and JOHN DOES 1-10,**

Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY  
Nancy J. Franchini, District Court Judge**

Frederick D. Jones, Jr.  
Albuquerque, NM

for Appellant

Ortiz & Zamora, Attorneys at Law, LLC  
Daniel R. Rubin  
Jessica R. Terrazas  
Eugene I. Zamora  
Santa Fe, NM

for Appellees

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} Summary reversal was proposed for the reasons stated in the notice of proposed summary disposition. No memorandum opposing summary reversal has been filed, and the time for doing so has expired. **REVERSED.**

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

**MEGAN P. DUFFY, Judge**

**WE CONCUR:**

**JENNIFER L. ATTREP, Chief Judge**

**KRISTINA BOGARDUS, Judge**