IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-40757

MARTIN SIERRA,

      Plaintiff-Appellant,

v.

**ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY
AUTHORITY,**

      Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Beatrice J. Brickhouse, District Court Judge

Gilpin Law Firm, LLC
Donald G. Gilpin
Christopher P. Machin
Albuquerque, NM

for Appellant

Stelzner, Winter, Warburton, Flores
& Dawes, P.A.
Juan L. Flores
Jaime L. Dawes
Albuquerque, NM

for Appellee

MEMORANDUM OPINION

BOGARDUS, Judge.

{1}   Plaintiff appeals seeking reversal of the district court's order granting summary judgment and dismissing his claims. [CN 1] In our notice of proposed disposition, we

proposed to summarily affirm the district court. [CN 13] Defendant filed a memorandum in support, which agreed with our proposed affirmance. [MIS 1] Plaintiff filed a memorandum in opposition to our proposed disposition, stating, "Plaintiff does not have any new information." [MIO 1]

{2}   Accordingly, for the reasons stated herein and in our notice of proposed disposition, we affirm. *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."); *State v. Johnson*, 1988-NMCA-029, ¶ 8, 107 N.M. 356, 758 P.2d 306 (explaining that when a case is decided on the summary calendar, an issue is deemed abandoned when a party fails to respond to the proposed disposition of that issue).

{3}   IT IS SO ORDERED.

KRISTINA BOGARDUS, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

MEGAN P. DUFFY, Judge