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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-41425

CITY OF ALAMOGORDO,

Plaintiff-Appellee,

v.

CARL R. CANTRELL,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY
Angie K. Schneider, District Court Judge

Ashley N. Smith
Alamogordo, NM

for Appellee

Carl R. Cantrell
Alamogordo, NM

Pro Se Appellant

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant appeals from the district court's order finding him not guilty for the unlawful accumulation of growth on his property and guilty for the accumulation of garbage, refuse, and debris on his property. We issued a calendar notice proposing to affirm because Defendant did not raise any issues for us to address. Defendant has filed a memorandum in opposition, which we have duly considered. We hold that Defendant has not demonstrated error, and we therefore affirm.

{2} In our calendar notice, we proposed to affirm the district court's order on the grounds that Defendant was not an aggrieved party because the district court agreed

with his argument that the City of Alamogordo's ordinance on the unlawful growth or accumulation on lots is unconstitutional on its face as the language in the ordinance is vague. [CN 4] In addition, we explained that to the extent Defendant sought declaratory judgment on the constitutionality of the City of Alamogordo's ordinances regarding the appearance of property, there was no indication in the docketing statement that his issues had been raised before the district court. [CN 5]

{3} In his memorandum in opposition, Defendant points to his written closing statement and argues that it demonstrates that he challenged the "constitutionality of [the City of Alamogordo's] entire program and why it should be shut down to prevent the government using it to abuse [its] power." [MIO PDF 6] Defendant further explains that "[t]he only reason [he] has appealed this case . . . is to bring to the attention of the court the misbehavior of the City so the court could force the [C]ity into compliance with the US Constitution, [s]tate law, and [f]ederal law." [MIO PDF 6]

{4} After reviewing Defendant's written closing statement along with his memorandum in opposition, we conclude that although Defendant argued that the City of Alamogordo's ordinances regarding the appearance of property were unconstitutional, he still has not provided us with any issues for our review. *See Pirtle v. Legis. Council Comm. of N.M. Legislature*, 2021-NMSC-026, ¶ 58, 492 P.3d 586 (explaining that as an appellate court, we rely on documents presented to us to "decide legal issues and avoid reaching out to construct legal arguments that the parties, intentionally or otherwise, have not presented"); *see also Headley v. Morgan Mgmt. Corp.*, 2005-NMCA-045, ¶ 15, 137 N.M. 339, 110 P.3d 1076 ("We will not review unclear arguments, or guess at what [a party's] arguments might be."). Rather, Defendant makes general, conclusory statements about the City of Alamogordo's ordinances, but does not challenge the district court's ruling finding him guilty for violating the ordinance of accumulation of garbage, refuse and debris on his property. Defendant does not provide us with any new facts, authority, or argument to demonstrate that the district court's order was erroneous. *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.").

{5} Accordingly, for the reasons stated in our notice of proposed disposition and herein, we affirm the district court's order.

{6} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

SHAMMARA H. HENDERSON, Judge

KATHERINE A. WRAY, Judge