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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: June 17, 2024

No. S-1-SC-39993

MATTHEW PADILLA,

Plaintiff-Appellant,

v.

JANE GUTIERREZ,

Defendant-Appellee.

CERTIFICATION FROM THE COURT OF APPEALS

Victor S. Lopez, District Judge

Stephen P. Curtis, Esq.
Albuquerque, NM

for Appellant

Ray A. Padilla, P.C.
Ray A. Padilla
Albuquerque, NM

for Appellee

DISPOSITIONAL ORDER OF REMAND

PER CURIAM.

{1} WHEREAS, this matter came on for consideration by the Court upon certification order from the Court of Appeals, and the Court having considered the foregoing order and being sufficiently advised, held this matter in abeyance pending this Court's disposition in *Padilla v. Torres*, No. S-1-SC-35619, on August 3, 2023, without deciding whether to accept certification;

{2} WHEREAS, this Court issued an opinion in *Padilla* on February 5, 2024, reversing and remanding that matter to the metropolitan court for a new trial, see *Padilla v. Torres*, 2024-NMSC-007, ¶ 2, 548 P.3d 31;

{3} WHEREAS, the Court concludes that the certified question presented in this matter is addressed by this Court's opinion in *Padilla*;

{4} WHEREAS, the Court, therefore, exercises its discretion under Rule 12-405(B) NMRA to dispose of this matter by nonprecedential order; and

{5} WHEREAS, the Court having considered the foregoing and being sufficiently advised;

{6} NOW, THEREFORE, IT IS ORDERED that the Court's August 3, 2023, order holding this matter in abeyance is WITHDRAWN;

{7} IT IS FURTHER ORDERED that certification is ACCEPTED; and

{8} IT IS FURTHER ORDERED that this matter is remanded to the metropolitan court for a new trial in accordance with *Padilla*.

{9} IT IS SO ORDERED.

WE CONCUR:

DAVID K. THOMSON, Chief Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice