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

2       **CARLOS DIAZ,**

3             Plaintiff-Appellant,

4       v.

**NO. 34,369**

5       **ORVAL CRUZ JOE,**

6             Defendant-Appellee.

7       **APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY**

8       **James L. Sanchez, District Judge**

9       Carlos L. Diaz

10       Albuquerque, NM

11       Pro Se Appellant

12       John T. Fitzpatrick

13       Albuquerque, NM

14       for Appellee

15                                       **MEMORANDUM OPINION**

16       **KENNEDY, Judge.**

17       {1}     Plaintiff Carlos Diaz (Plaintiff), personal representative of his deceased brother,

1 appeals from the district court's judgment finding the existence of an equitable real  
2 estate contract whereby Defendant agreed to purchase real property from the brother  
3 of Plaintiff. [DS 1; RP 113] This Court issued a notice proposing to dismiss Plaintiff's  
4 appeal for lack of a final order. Plaintiff did not file a memorandum in opposition but  
5 instead filed a motion requesting an indefinite extension of time until the district court  
6 enters its final order. Plaintiff's motion is **DENIED**. Because the district court has not  
7 entered a final order, we dismiss Plaintiff's appeal for the reasons provided in our  
8 notice.

9 {2} **IT IS SO ORDERED.**

10 \_\_\_\_\_  
11 **RODERICK T. KENNEDY, Judge**

12 **WE CONCUR:**

13 \_\_\_\_\_  
14 **TIMOTHY L. GARCIA, Judge**

15 \_\_\_\_\_  
16 **M. MONICA ZAMORA, Judge**