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

2 **CITY OF ALBUQUERQUE, ex rel.**
3 **ALBUQUERQUE POLICE DEPARTMENT,**

4 Plaintiff-Appellee,

5 v.

NO. 35,446

6 **ONE (1) 1996 DODGE P/U SILVER,**
7 **VIN: 1B7HF16ZXTJ191924,**
8 **NEW MEXICO LICENSE # 294RLJ,**

9 Defendant,

10 and

11 **DIANNA WALLER,**

12 Claimant-Appellant.

13 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

14 **Alan M. Malott, District Judge**

15 City of Albuquerque Legal Department
16 Jessica Hernandez, City Attorney
17 Kyle Hibner, Assistant City Attorney
18 Albuquerque, NM

19 for Appellee

20 Dianna Wallen

1 Albuquerque, NM

2 Pro Se Appellant

3 **MEMORANDUM OPINION**

4 **WECHSLER, Judge.**

5 {1} Claimant-Appellant Dianna Waller (Appellant) has sought to appeal from an
6 order granting forfeiture pursuant to the City of Albuquerque’s DWI-related civil
7 forfeiture ordinance. We previously issued a notice of proposed summary disposition
8 in which we proposed to dismiss. Defendant has filed a memorandum in opposition.
9 After due consideration, we remain unpersuaded.

10 {2} As we previously observed, the filing of a timely notice of appeal is a
11 mandatory precondition to this Court’s jurisdiction. *In re Yalkut*, 2008-NMSC-009,
12 ¶ 24, 143 N.M. 387, 176 P.3d 1119 (per curiam). In this case, Appellant filed her
13 notice of appeal nearly a month late. We therefore proposed to dismiss. *See, e.g.,*
14 *Chavez v. U-Haul Co. of N.M.*, 1997-NMSC-051, ¶¶ 19-22, 124 N.M. 165, 947 P.2d
15 122 (declining to hear an appeal filed thirty days late).

16 {3} In her memorandum in opposition Appellant offers neither any basis for
17 extending the filing deadline nor any justification for the delay. [MIO 2] Instead, we
18 understand Appellant to invite the Court to consider the “extensive facts” and the
19 merits of the appeal notwithstanding the untimely filing. [MIO 29A] We decline.

1 {4} Accordingly, for the reasons stated above and in the notice of proposed
2 summary disposition, we dismiss.

3 {5} **IT IS SO ORDERED.**

4
5

JAMES J. WECHSLER, Judge

6 **WE CONCUR:**

7
8

LINDA M. VANZI, Judge

9
10

J. MILES HANISEE, Judge