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

2 **RUDY TORRES,**

3 Plaintiff-Appellant,

4 v.

NO. 35,587

5 **OFFICER VERONICA GOMEZ, OFFICER**
6 **JOHN DOE I and OFFICER JOHN DOE II,**
7 **individually and in their official capacities as**
8 **officers of the Lovington Police Department,**
9 **DAVID RODRIGUEZ, in his official**
10 **capacity as the Chief of Police of the Lovington**
11 **Police Department, PADDY DOWNEY, as the**
12 **Administrator of the Lea County Detention Center,**
13 **and the as yet unknown agents and employees of the**
14 **LEA COUNTY DETENTION CENTER,**

15 Defendants-Appellees.

16 **APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

17 **William G. Shoobridge, District Judge**

18 The Sawyers Law Group
19 James W. Klipstine, Jr.
20 Hobbs, NM

21 for Appellant

22 Childress Law Firm

1 Ronald J. Childress
2 Albuquerque, NM

3 for Appellees Paddy Downey and the Lea County Detention Center

4 Potts & Associates
5 Amy L. Glasser
6 Albuquerque, NM

7 for Appellees Veronica Gomez, David Rodriguez, and the City of Lovington
8 Police Department

9 **MEMORANDUM OPINION**

10 **WECHSLER, Judge.**

11 {1} Plaintiff filed suit against Defendants in district court, but judgment as a matter
12 of law was entered against him following presentation of his case. The district court's
13 order was entered on January 27, 2016. Plaintiff then filed a notice of appeal in district
14 court on February 23, 2016, but he did not cause a copy of the notice of appeal to be
15 filed in this Court. In addition, Plaintiff requested an extension of time in which to file
16 a docketing statement from the district court, rather than this Court, despite the fact
17 that, unlike the situation with a notice of appeal, the district court has no authority to
18 grant an extension of time for filing a docketing statement in this Court. In any event,
19 no docketing statement has yet been filed in either this Court or the district court.
20 Defendants have now filed a motion to dismiss Plaintiff's appeal for failure to comply
21 with the rules of appellate procedure, and the deadline for filing a response to that

1 motion has passed. We therefore grant Defendants' motion to dismiss and dismiss this
2 appeal due to Plaintiff's failure to perfect the appeal by complying with Rules 12-
3 202(E) and 12-208(B) NMRA.

4 {2} **IT IS SO ORDERED.**

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6

JAMES J. WECHSLER, Judge

7 **WE CONCUR:**

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LINDA M. VANZI, Judge

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TIMOTHY L. GARCIA, Judge