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### IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

### 2 JOHNATHAN D. WISHNESKI,

Plaintiff-Appellant,

4 **v.** 

1

3

No. 32,371

# 5 MAXINE MONTOYA TONY 6 SANDERS, LIEUTENANT 7 DOMINGUEZ, and GERMAN 8 FRANCO,

9 Defendants-Appellees.

## 10 APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY 11 Raymond Z. Ortiz, District Judge

12 Johnathan D. Wishneski

13 Santa Fe, NM

14 Pro Se Appellant

15 NM Department of Corrections

16 Diana J. Harris

17 Santa Fe, NM

18 for Appellee Maxine Montoya

19

### **MEMORANDUM OPINION**

20 FRY, Judge.

1	1 Plaintiff has filed a motion to adopt this Court's proposed sum	mary disposition.
2	2 Defendants have not responded to the calendar notice and the time	for requesting an
3	3 extension of time or responding to the notice has expired. For the re	easons set forth in
4	the calendar notice, we reverse the district court's order of dismissal and remand for	
5	5 trial on the merits.	
6	6 IT IS SO ORDERED.	
7	7	
8	8 CYNTHIA A. FRY, Judge	) /
9	9 WE CONCUR:	
10		
11	11 JAMES J. WECHSLER, Judge	
12	12	
13	13 LINDA M. VANZI, Judge	
	2	
I	n	