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

2       **RALPH N. LESTER,**

3             Plaintiff-Appellant,

4       v.

**No. 33,926**

5       **DEAN G. LESTER and KAREN LESTER,**

6             Defendants-Appellees.

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

8       **Mark Terrence Sanchez, District Judge**

9       Ralph Lester

10       Albuquerque, NM

11       Pro se Appellant

12       Dean G. Lester

13       Karen Lester

14       Ruidoso, NM

15       Pro Se Appellees

16                                       **MEMORANDUM OPINION**

17       **BUSTAMANTE, Judge.**

1 {1} Plaintiff appeals, in a self-represented capacity, from the district court’s  
2 dismissal of his case for filing a frivolous lawsuit. [RP 24, 35] Our notice proposed  
3 to affirm, and Plaintiff in turn filed an “objection to proposed disposition” (objection).  
4 We are unpersuaded by Plaintiff’s arguments and therefore affirm.

5 {2} We acknowledge Plaintiff’s arguments in his objection that the district court  
6 should not have ruled on the case in Plaintiff’s absence [objection 1; RP 22] and that  
7 the court failed “to take into . . . consideration the facts and law relating to the case.”  
8 [objection 1] For the reasons discussed in our notice, however, we conclude that the  
9 district court properly exercised its discretion to assess that Plaintiff’s lawsuit was  
10 frivolous because Plaintiff failed to make a showing that he was entitled to his  
11 requested injunctive relief [RP 1, 2-3, 13] given his failure to satisfy the “irreparable  
12 injury” criteria for entitlement to injunctive relief. *See generally Moody v. Stribling*,  
13 1999-NMCA-094, ¶ 30, 127 N.M. 630, 985 P.2d 1210 (providing that whether or not  
14 to grant equitable relief is a matter left to the sound discretion of the district court); *see*  
15 *also Hines Corp. v. City of Albuquerque*, 1980-NMSC-107, ¶ 13, 95 N.M. 311, 621  
16 P.2d 1116 (noting that injunctive relief is granted to prevent irreparable injury for  
17 which there is no adequate and complete remedy at law). In this regard, in the event  
18 Plaintiff is ultimately successful in a claim that trust assets have been wrongfully

1 distributed or mismanaged, then he has the available remedy of securing an award of  
2 monetary damages. We accordingly affirm.

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

4 \_\_\_\_\_  
5 **MICHAEL D. BUSTAMANTE, Judge**

6 **WE CONCUR:**

7 \_\_\_\_\_  
8 **M. MONICA ZAMORA, Judge**

9 \_\_\_\_\_  
10 **J. MILES HANISEE, Judge**