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

2 **JOE GRIEGO, ELOY VIGIL, RAMON MOLINA,**  
3 **SIN FRONTERAS ORGANIZING PROJECT, and**  
4 **HELP-NEW MEXICO, INC.,**

5           Plaintiffs-Appellants,

6 v.

**NO. 34,238**

7 **THE NEW MEXICO WORKERS' COMPENSATION**  
8 **ADMINISTRATION, and DARIN CHILDERS, in his**  
9 **official capacity as Director of the Workers' Compensation**  
10 **Administration,**

11           Defendants-Appellees.

12 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**  
13 **Valerie Huling, District Judge**

14 New Mexico Center on Law and Poverty  
15 Gail Evans  
16 Albuquerque, NM

17 for Appellants

18 Workers' Compensation Administration  
19 Rachel A. Bayless  
20 Albuquerque, NM

21 Scott Fuqua  
22 Santa Fe, NM

23 for Appellees



1 **MEMORANDUM OPINION**

2 **ZAMORA, Judge.**

3 {1} Plaintiffs appeal from the district court’s order denying a motion for  
4 reconsideration of the district court’s order on Plaintiff’s motion for supplemental  
5 injunctive relief. [3 RP 1048] Based on our recent decision in *Rodriguez v. Brand*  
6 *West Dairy*, \_\_\_\_-NMCA-\_\_\_\_, \_\_\_ P.3d \_\_\_ (Nos. 33,104 & 33,675, June 22,  
7 2015), we issued a notice of proposed summary disposition, proposing to dismiss.  
8 Plaintiffs have filed a response, requesting that we hold this appeal in abeyance,  
9 explaining that they are opposing the petition for writ of certiorari filed in the New  
10 Mexico Supreme Court by Defendants in this case. [MIO 2] Plaintiffs appear to be  
11 concerned about the precedential value of our opinion in *Rodriguez*, stating that “[i]f  
12 and when certiorari is denied . . . they will have no objection to the summary  
13 dismissal.” [MIO 2] However, their concern appears to be misplaced, given that our  
14 rules specifically provide that neither the filing of a petition for writ of certiorari or  
15 an order granting a petition suspends the precedential value of this Court’s opinions.  
16 *See* Rule 12-405(C) NMRA (“A petition for a writ of certiorari filed pursuant to Rule  
17 12-502 NMRA or a Supreme Court order granting the petition does not affect the  
18 precedential value of an opinion of the Court of Appeals, unless otherwise ordered

1 by the Supreme Court.”). Hence, we can perceive of no reason to hold this case in  
2 abeyance as Plaintiffs request.

3 {2} Accordingly, for the reasons stated in our notice, we dismiss this case as moot.

4 {3} **IT IS SO ORDERED.**

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**M. MONICA ZAMORA, Judge**

7 **WE CONCUR:**

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**RODERICK T. KENNEDY, Judge**

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**TIMOTHY L. GARCIA, Judge**

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