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

2 **NICKIE SAUNDERS,**

3 Petitioner-Appellant,

4 v.

NO. 34,575

5 **KAITLYNN RODRIGUEZ and**

6 **ROBERT GARCIA,**

7 Respondents-Appellees.

8 **APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY**

9 **Raymond L. Romero, District Judge**

10 Nickie Saunders

11 Carlsbad, NM

12 Pro Se Appellant

13 Kaitlyn Rodriguez

14 Robert Garcia

15 Carlsbad, NM

16 Pro Se Appellees

17 **MEMORANDUM OPINION**

18 **VIGIL, Judge.**

19 {1} Petitioner-Appellant Nickie Saunders (Petitioner) appeals from the district

1 court's order denying her petition to be appointed as the kinship guardian for Donovan
2 H. (Child). On May 21, 2015, this Court issued a notice of proposed disposition
3 wherein we proposed to affirm the district court's decision. Child's mother filed a
4 document with this Court asserting that she no longer consents to Petitioner being
5 appointed guardian of Child. This information, however, was not before the district
6 court and this Court, therefore, will not consider it on appeal. *See State v. Reynolds*,
7 1990-NMCA-122, ¶ 16, 111 N.M. 263, 804 P.2d 1082 ("Matters outside the record
8 present no issue for review."). Petitioner, on the other hand, has not filed a
9 memorandum opposing this Court's notice of proposed disposition, and the time for
10 doing so has now passed. *See Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246,
11 861 P.2d 287 ("Failure to file a memorandum in opposition constitutes acceptance of
12 the disposition proposed in the calendar notice."). Accordingly, we affirm the district
13 court's decision for the reasons articulated in this Court's notice of proposed
14 disposition.

15 {2} **IT IS SO ORDERED.**

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MICHAEL E. VIGIL, Chief Judge

18 **WE CONCUR:**

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MICHAEL D. BUSTAMANTE, Judge

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JONATHAN B. SUTIN, Judge