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

2 **ANA WASHBURN,**

3           Plaintiff-Appellant,

4 v.

**NO. 34,627**

5 **JERALD GOODMAN,**

6           Defendant-Appellee.

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

8 **Shannon C. Bacon, District Judge**

9 Ana Washburn  
10 Albuquerque, NM

11 Pro Se Appellant

12 Jerald Goodman  
13 Albuquerque, NM

14 Pro Se Appellee

15   **MEMORANDUM OPINION**

16 **VIGIL, Judge.**

1 {1} Appellant Ana Washburn appeals from two orders (an amended order and the  
2 original order) granting her application for a permanent restraining order against her  
3 neighbor, Jerald Goodman. She appeals these orders to the extent that they are  
4 “mutual” restraining orders and to the extent that the amended order requires her to  
5 stay 500 yards away from Goodman. [RP 42; DS 7] In our notice of proposed  
6 summary disposition, we proposed to affirm. Goodman filed a memorandum in  
7 opposition, which we have duly considered. For the reasons stated in the notice of  
8 proposed disposition and below, we affirm.

9 {2} As an appellate court, we “presume[] that the district court is correct, and the  
10 burden is on the appellant to clearly demonstrate that the district court erred.” *See*  
11 *Corona v. Corona*, 2014-NMCA-071, ¶ 26, 329 P.3d 701. As we stated in more detail  
12 in our calendar notice, Washburn has not demonstrated that the district court abused  
13 its discretion in entering a “mutual” restraining order and ordering Washburn to stay  
14 at least 500 yards away from Goodman (Issue 1). [CN 2-4] Similarly, Washburn has  
15 not demonstrated that the district court was biased against her (Issue 2). [CN 4-5]  
16 Accordingly, we proposed to affirm.

17 {3} Goodman filed a memorandum in opposition; however, her arguments are not  
18 responsive to our proposed disposition. *See Hennessy v. Duryea*, 1998-NMCA-036,

1 ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary  
2 calendar cases, the burden is on the party opposing the proposed disposition to clearly  
3 point out errors in fact or law.”); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107  
4 N.M. 421, 759 P.2d 1003 (stating that a party responding to a summary calendar  
5 notice must come forward and specifically point out errors of law and fact, and the  
6 repetition of earlier arguments does not fulfill this requirement), *superseded by statute*  
7 *on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

8 {4} Therefore, for the reasons stated here and in our notice of proposed summary  
9 disposition, we affirm.

10 {5} **IT IS SO ORDERED.**

11 \_\_\_\_\_  
12 **MICHAEL E. VIGIL, Chief Judge**

13 **WE CONCUR:**

14 \_\_\_\_\_  
15 **MICHAEL D. BUSTAMANTE, Judge**

16 \_\_\_\_\_  
17 **LINDA M. VANZI, Judge**