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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

2 PETROGLYPH MANAGEMENT 3 ASSOCIATION, INC., a New Mexico 4 for-Profit Corporation,

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Plaintiff-Appellee/Cross-Appellant,

6 v.

NO. 34,806

7 **SIMP MCCORVEY, III,**

Defendant-Appellant/Cross-Appellee.

9 APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY 10 Nan G. Nash, District Judge

11 Carpenter Hazlewood Delgado & Bolen, P.C.

12 Mark A. Holmgren

13 Javier Delgado

14 Kellie J. Callahan

15 Tempe, AZ

16

17 for Appellee

18 Simp McCorvey III

19 Albuquerque, NM

20 Pro Se Appellant

21 MEMORANDUM OPINION
22 ZAMORA, Judge.

I anages and attorney fees on its complaint for breach of restrictive covenants.
 A plaintiff filed a cross-appeal. We issued a calendar notice proposing to dismiss both
 appeals because Defendant's motion to reconsider is still pending in the district court.
 Defendant has filed a pleading that we construe as a memorandum in opposition. *See* Rule 12-210(D) NMRA. Plaintiff has responded with a memorandum indicating that
 it agrees with our calendar notice. We dismiss the appeal and the cross-appeal.

As we observed in our calendar notice, the judgment was entered on June 8,
2015. [RP 509] Defendant filed a timely notice of appeal on June 17, 2015. [RP 516]
Defendant filed a motion for reconsideration on June 18, 2015, which is within thirty
days of the judgment. [RP 517] Plaintiff filed a timely notice of cross-appeal on July
6, 2015. [RP 522]

"[O]ur appellate jurisdiction is limited to review of any final judgment or
decision, any interlocutory order or decision which practically disposes of the merits
of the action, or any final order after entry of judgment which affects substantial
rights." *Capco Acquisub, Inc. v. Greka Energy Corp.*, 2007-NMCA-011, ¶ 17, 140
N.M. 920, 149 P.3d 1017 (alteration, internal quotation marks, and citation omitted).
Pursuant to Rule 12-201(D)(1) NMRA, when a post-judgment motion is filed that

1	could alter, amend, or moot the judgment, the judgment is no longer final for purposes
2	of appeal, and the time for filing a notice of appeal begins to run from the filing of the
3	order disposing of the post-judgment motion. Defendant does not point our any error
4	in fact or law in our calendar notice. Accordingly, because the district court judge
5	never expressly ruled on the merits of the post-trial motion in this case, we dismiss
6	both the notice of appeal and the notice of cross-appeal for lack of a final, appealable
7	order. See Rule 12-201(D)(1) (requiring order that expressly disposes of the motion).
8	IT IS SO ORDERED.
9 10	M. MONICA ZAMORA, Judge
11	WE CONCUR:
12	LINDA M. VANZI, Judge
13	LINDA WI. VANZI, Juuge
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15	TIMOTHY L. GARCIA, Judge
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