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

2 **STEVEN CHRISTOFFEL,**

3           Plaintiff-Appellant,

4 v.

**NO. 35,991**

5 **JACK CLOUD, as Planning**  
6 **Department Manager of the City**  
7 **of Albuquerque, and the CITY OF**  
8 **ALBUQUERQUE,**

9           Defendants-Appellees,

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

11 **Clay Campbell, District Judge**

12 Steven G. Christoffel  
13 Albuquerque, NM

14 Pro Se Appellant

15 City of Albuquerque  
16 Jessica M. Hernandez, City Attorney  
17 John E. Dubois, Assistant City Attorney  
18 Albuquerque, NM

19 for Appellees

20   **MEMORANDUM OPINION**

21 **ZAMORA, Judge.**

1 {1} Plaintiff has appealed from the denial of a Rule 1-060(B) NMRA motion for  
2 relief from a previously entered judgment dismissing his claims. We issued a notice  
3 of proposed summary disposition in which we proposed to affirm. Plaintiff has filed  
4 a memorandum in opposition, which we have duly considered. Because we remain  
5 unpersuaded, we affirm.

6 {2} We previously described the pertinent background and applicable principles of  
7 law in the notice of proposed summary disposition. We will avoid undue reiteration  
8 here. However, because the memorandum in opposition contains very little to  
9 distinguish it from the docketing statement, our analysis remains essentially  
10 unchanged.

11 {3} Plaintiff continues to argue that the ordinances, statutes, and other authorities  
12 he cited should be regarded as newly discovered evidence. [MIO 3-27] We remain  
13 unpersuaded that these materials, which were previously available, could not have  
14 been discovered earlier by the exercise of due diligence. *See* Rule 1-060(B)(2).

15 {4} We understand Plaintiff to continue to suggest inadvertence and fraud as  
16 grounds for relief. [MIO 3] However, he provides no further elaboration. We  
17 therefore remain unpersuaded.

18 {5} Plaintiff also appears to argue that the district court misapprehended his  
19 arguments, and as such, it should have reconsidered. [MIO 27-29] However, insofar

1 as Plaintiff's arguments essentially reiterated the arguments previously set forth and  
2 rejected, both by the district court and this Court in the course of the prior appeal, they  
3 were properly rejected as grounds for relief under the auspices of Rule 1-060(B). *See*  
4 *DiMatteo v. Cty. of Dona Ana*, 1989-NMCA-108, ¶ 25, 109 N.M. 374, 785 P.2d 285  
5 (discussing the doctrine of law of the case); *Lenscrafters Inc. v. Kehoe*, 2012-NMSC-  
6 020, ¶ 47, 282 P.3d 758 (holding that where the movant failed to justify the need for  
7 the district court's reconsideration based on any of the allowable Rule 1-060(B)  
8 exceptions, the district court did not abuse its discretion in denying reconsideration).

9 {6} Finally, we understand Plaintiff to contend that he should be granted some form  
10 of relief in order to facilitate supplementation with transcripts from the underlying  
11 proceedings. [MIO 29-31] However, because the record before us supplies all of the  
12 information necessary, and the transcripts with which Plaintiff seeks to supplement  
13 the record would have no impact upon our analysis, we reject Plaintiff's argument. *See*  
14 *Udall v. Townsend*, 1998-NMCA-162, ¶ 3, 126 N.M. 251, 968 P.2d 341 (explaining  
15 that where the Court can obtain sufficient information from the record proper, the  
16 docketing statement, and the memoranda to enable it to resolve the issues, then  
17 assignment to the summary calendar is appropriate, notwithstanding the unavailability  
18 of transcripts).

1 {7} Accordingly, for the reasons stated in our notice of proposed summary  
2 disposition and above, we affirm.

3 {8} **IT IS SO ORDERED.**

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**M. MONICA ZAMORA, Judge**

6 **WE CONCUR:**

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**JONATHAN B. SUTIN, Judge**

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**JULIE J. VARGAS, Judge**