

1 {1} Defendant Paul Chandhok appeals from the district court’s order denying his
2 motion to vacate judgment. [RP 222-32; 233-35] In response to Defendant’s docketing
3 statement, we proposed to affirm. Defendant has filed a memorandum in opposition
4 (MIO). After due consideration, we are unpersuaded and therefore affirm.

5 {2} In his MIO, Defendant almost exclusively restates the arguments from his
6 docketing statement. We will not revisit those arguments or restate principles of law
7 we articulated in our calendar notice, but instead address what we perceive as newly
8 presented. Defendant appears to argue in his MIO that we should treat his “Motion to
9 Vacate Judgment” as a motion asserting the “defense of failure to state a claim upon
10 which relief can be granted,” [MIO 9 ¶ 15] and analyze it under Rule 1-012 NMRA.
11 [MIO 9 ¶¶ 14-15] We disagree, but regardless, Defendant has not addressed our
12 proposed conclusion that Plaintiff HSBC Bank USA, National Association as Trustee
13 for Sequoia Mortgage Trust 2007-4, Mortgage Pass-Through Certificates (the Bank)
14 has met our standing requirements. Again, the record supports the conclusion of the
15 district court that, at the time the complaint was filed, the Bank had possession of the
16 mortgage note, which was indorsed in blank. [RP 197-8 ¶ 5; RP 12]

17 {3} For the reasons stated in our notice of proposed summary disposition and
18 above, we affirm the order of the district court denying Defendant’s motion to vacate.

19 {4} **IT IS SO ORDERED.**

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LINDA M. VANZI, Chief Judge

3 **WE CONCUR:**

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5 **M. MONICA ZAMORA, Judge**

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7 **EMIL J. KIEHNE, Judge**