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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38599

**RITA WEST, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF
THE ESTATE OF ROBERT NELSON
WEST,**

Plaintiff-Appellant,

v.

**BERNALILLO COUNTY BOARD
OF COMMISSIONERS, FIRE AND
RESCUE DEPARTMENT #43, and
BERNALILLO COUNTY FIRE AND
RESCUE DEPARTMENT #46,**

Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Clay Campbell, District Judge**

Rita West
Edgewood, NM

Pro Se Appellant

Kennedy, Moulton & Wells, P.C.
Deborah Denise Crow Wells
Albuquerque, NM

for Appellees

MEMORANDUM OPINION

VARGAS, Judge.

{1} Plaintiff appeals following the dismissal of her complaint. We previously issued a notice of proposed summary disposition, in which we proposed to affirm. Plaintiff has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore uphold the disposition rendered below.

{2} The background information and relevant principles of law have previously been set forth. We will avoid undue reiteration here, and focus instead on the content of the memorandum in opposition.

{3} Plaintiff continues to advance a variety of questions of fact relating to the circumstances surrounding her husband's death. [Unnumbered MIO 1-4] However, the issue presented both at the district court level and on appeal is whether Plaintiff's complaint was sufficient, as a matter of law, to state a claim. For the reasons described in the notice of proposed summary disposition, it was not. [CN 2-5] We find nothing in the memorandum in opposition which would support a different result. We therefore conclude that the complaint was properly dismissed.

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

{5} IT IS SO ORDERED.

JULIE J. VARGAS, Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

BRIANA H. ZAMORA, Judge