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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-41825

DAVID DERRINGER,

Plaintiff-Appellant,

v.

**BENJAMIN BENAVIDEZ, JR.,
JUSTIN GRAY, MANUEL MONTE,
and GEORGE MENDOZA,**

Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Beatrice J. Brickhouse, District Court Judge**

David Derringer
Albuquerque, NM

Pro Se Appellant

The D'Amato Law Firm, P.C.
John J. D'Amato, Jr.
Albuquerque, NM

for Appellee Benavidez, Jr.

MEMORANDUM OPINION

ATTREP, Chief Judge.

{1} Plaintiff appeals from the district court's order dismissing his complaint. [RP 68] We entered a notice of proposed disposition, proposing to affirm. Plaintiff filed a memorandum in opposition to that notice, which we have duly considered. Unpersuaded, we affirm.

{2} In his memorandum, Plaintiff does not address any of our proposed conclusions and does not respond in any way to the rationale proposed for affirmance. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact,” and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Consequently, we are unpersuaded that the calendar notice was in error. To the extent Plaintiff is attempting to move for sanctions in his memorandum in opposition [MIO 24-30], such a request was not made to the district court and thus is not properly before this Court. See *Campos Enters. v. Edwin K. Williams & Co.*, 1998-NMCA-131, ¶ 12, 125 N.M. 691, 964 P.2d 855.

{3} Additionally, Plaintiff’s memorandum in opposition is replete with baseless and vituperative accusations about this Court and the New Mexico judiciary in general. Such accusations will not be considered by this Court. Including these types of accusations in future pleadings may result in this Court not considering or rejecting Plaintiff’s pleadings altogether.

{4} For the reasons stated in our notice of proposed disposition, we affirm.

{5} IT IS SO ORDERED.

JENNIFER L. ATTREP, Chief Judge

WE CONCUR:

JANE B. YOHALEM, Judge

GERALD E. BACA, Judge