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

7 **JOSEPH F. OLIVER and**  
8 **MICHAEL R. ROUANZION,**

9 Plaintiffs-Appellees,

10 v.

**NO. 30,843**

11 **ALFRED R. WALCK, JANICE**  
12 **WALCK a/k/a JANICE WALCK**  
13 **ENCINIAS, and JOHN E. WALCK,**

14 Defendants-Appellants,

15 and,

16 **BOARD OF COUNTY COMMISSIONERS**  
17 **for MORA COUNTY**

18 Defendant-Appellee.

19 **APPEAL FROM THE DISTRICT COURT OF MORA COUNTY**

20 **John M. Paternoster, District Judge**

21 Scheuer, Yost & Patterson, P.C.

22 Charlotte H. Hetherington

23 Kristin L. Davidson

24 Santa Fe, NM

25 for Appellees Joseph F. Oliver and

26 Michael R. Rouanzion

27 Alfred R. Walck

1 John R. Walck  
2 Albuquerque, NM

3 Pro Se Appellants  
4 Clark, Grubestic, Jones & Baur, L.L.C.  
5 John T. Grubestic  
6 Santa Fe, NM

7 for Appellee Board of County  
8 Commissioners for Mora County

9 **MEMORANDUM OPINION**

10 **KENNEDY, Judge.**

11 Defendants, John Walck and Alfred Walck, pro se, appeal from the district  
12 court's order entering a final judgment on the merits and granting injunctive and  
13 declaratory relief. We issued a notice of proposed summary disposition proposing  
14 summary affirmance. Defendant has filed a timely memorandum in opposition. We  
15 affirm.

16 In our calendar notice, we informed Defendants that their docketing statement  
17 did not conform to our rules of appellate procedure. Specifically, the docketing  
18 statement does not contain an intelligible statement of the issues, nor does it indicate  
19 whether and how the issues were preserved. *See* Rule 12-208(D)(4) NMRA (stating  
20 that the docketing statement shall contain a statement of the issues presented including  
21 a statement of how they arose and how they were preserved in the trial court).

1 Additionally, the docketing statement does not contain a statement of the case  
2 summarizing all facts material to a consideration of the issues presented as required  
3 by Rule 12-208(D)(3) NMRA. Accordingly, we informed Defendants in our notice  
4 of proposed summary disposition that they should set out all relevant information in  
5 their memorandum in opposition, should they oppose our proposed summary  
6 affirmance.

7 Defendants have now filed a memorandum in opposition with this Court.  
8 However, the memorandum in opposition does not contain the information we  
9 requested in our notice of proposed summary disposition. We still have no recitation  
10 of the facts and evidence presented below and no statement of how the issues  
11 presented for appeal arose or were preserved. Without this information, we cannot  
12 review Defendants' issues.

13 We note that Defendants attached documents to their memorandum in  
14 opposition including copies of the complaint, survey maps, orders in the district court,  
15 and copies of photographs. However, none of these documents provide us with the  
16 information we would need to address Defendants' appeal. It is the duty of the  
17 appellant to provide a record adequate to review the issues on appeal. *Williams v. Bd.*  
18 *of County Comm'rs of San Juan County*, 1998-NMCA-090, ¶ 10, 125 N.M. 445, 963  
19 P.2d 522. "Upon a doubtful or deficient record, every presumption is indulged in

1 favor of the correctness and regularity of the trial court’s decision, and the appellate  
2 court will indulge in reasonable presumptions in support of the order entered.” *Reeves*  
3 *v. Wimberly*, 107 N.M. 231, 236, 755 P.2d 75, 80 (Ct. App. 1988). Pro se litigants  
4 must comply with the rules and orders of the court and will not be treated differently  
5 from litigants with counsel. *See Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127 N.M.  
6 301, 980 P.2d 84; *see also Clayton v. Trotter*, 110 N.M. 369, 373, 796 P.2d 262, 266  
7 (Ct. App. 1990) (stating that the appellate court will review pro se arguments to the  
8 best of its ability, but cannot respond to unintelligible arguments); *Santistevan v.*  
9 *Centinel Bank of Taos*, 96 N.M. 734, 737, 634 P.2d 1286, 1289 (Ct. App.), *aff’d in*  
10 *part and rev’d in part*, 96 N.M. 730, 634 P.2d 1282 (stating that the Court of Appeals  
11 will not review unclear arguments).

12 For these reasons, we have no choice but to affirm the district court.

13 **IT IS SO ORDERED.**

14 \_\_\_\_\_  
15 **RODERICK T. KENNEDY, Judge**

16 **WE CONCUR:**

17 \_\_\_\_\_  
18 **JAMES J. WECHSLER, Judge**

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2 **LINDA M. VANZI, Judge**