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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-41684

ANTONIO VIGIL,

Plaintiff-Appellant,

v.

**BOARD OF COUNTY COMMISSIONERS
FOR SANTA FE COUNTY,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY
Francis J. Mathew, District Court Judge**

Western Agriculture, Resource and Business Advocates, LLP
A. Blair Dunn
Jared R. Vander Dussen
Albuquerque, NM

for Appellant

New Mexico Association of Counties
Brandon Huss
Bree Barnett
David Roman
Santa Fe, NM

for Appellee

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Plaintiff appeals from the district court's order dismissing his complaint filed under the New Mexico Civil Rights Act (NMCRA), NMSA 1978, §§ 41-4A-1 to -13 (2021). We previously entered a notice of proposed disposition, proposing to affirm.

Plaintiff filed a memorandum in opposition, which we have duly considered. Unpersuaded by Plaintiff's memorandum in opposition, we affirm.

{2} In our proposed disposition, we proposed to affirm the district court's order dismissing Plaintiff's complaint based on Section 41-4A-3(D) because the limitation contained in that provision does not apply only to current employees of a public body and Plaintiff's claim arose from his employment with a public body. [CN 2-3] See § 41-4A-3(D) ("Individuals employed by a public body shall be prohibited from using the New Mexico Civil Rights Act to pursue a claim arising from the individual's employment by the public body."). In his memorandum, Plaintiff does not address any of the authorities this Court relied on in the proposed disposition. Instead, Plaintiff directs us to federal case law that relied on a federal statute, 1 U.S.C. § 1, used "[i]n determining the meaning of any Act of Congress" in the court's interpretation of a different federal statute. [MIO 2-5] Plaintiff provides us with no authority applying such analysis or methods of interpretation in this state. Indeed, Plaintiff acknowledges that 1 U.S.C. § 1 has no bearing on New Mexico law. [MIO 4] Further, although Plaintiff contends our proposed disposition "rests upon violating a basis [sic] rule of grammar to find that a word can mean the same tense at the same time in a statute," 1 U.S.C. § 1 and the federal case law Plaintiff relies on indicates that words used in the present tense include the future as well as the present tense.

{3} Accordingly, for the reasons stated herein and in our notice of proposed disposition, we affirm.

{4} IT IS SO ORDERED.

SHAMMARA H. HENDERSON, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

GERALD E. BACA, Judge