

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Mary E. Martinez v. ABQ Code Enforcement, Angelo Matzer, Ray Velardez, and William (Josh) Gallegos

Martinez · No. 25cv600 JFR/SCY · Decided December 29, 2025

SUMMARY

These Proposed Findings and Recommended Disposition concern a pro se plaintiff’s failure to comply with Federal Rule of Civil Procedure 8(a) and court orders requiring an adequately pleaded amended complaint. The magistrate judge recommends declining to accept the plaintiff’s 64-page filing as an amended complaint, dismissing without prejudice any intended federal claims, and remanding the remaining state-law claims to state court. The document addresses federal-question jurisdiction, pleading requirements, potential civil-rights and disability claims, and supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Steven C. Yarbrough
DECIDED	December 29, 2025
DOCKET	25cv600 JFR/SCY
DISPOSITION	other
PROCEDURAL POSTURE	Proposed findings and recommended disposition addressing a removed state-court action in which the pro se plaintiff failed to comply with Federal Rule of Civil Procedure 8(a) after being ordered to clarify her claims and file an amended complaint.
STANDARD OF REVIEW	The court applied the well-pleaded-complaint rule to the jurisdictional issue and evaluated the pleadings for compliance with Federal Rule of Civil Procedure 8(a) and failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- pleadings
- subject matter jurisdiction
- civil procedure
- section 1983
- ada / disability

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- civil rights
- disability rights
- constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint established federal-question jurisdiction under the well-pleaded-complaint rule.
2. Whether Plaintiff's initial complaint stated a federal claim or otherwise complied with Federal Rule of Civil Procedure 8(a).
3. Whether Plaintiff's 64-page narrative filing should be accepted as an amended complaint.
4. Whether the court should dismiss the intended federal claims without prejudice and remand the remaining state-law claims.

HOLDINGS

1. A removed action does not present a federal question merely because the notice of removal characterizes ambiguous allegations as constitutional or federal claims; the well-pleaded complaint must establish that federal law creates the cause of action or that relief necessarily depends on resolution of a substantial federal question.
2. A pleading fails Rule 8(a) when it does not provide a short and plain statement identifying the claims, the facts supporting them, the conduct of each defendant, and the legal rights allegedly violated, such that defendants receive fair notice.
3. Where the intended federal claims are dismissed without prejudice and no federal claims remain, the court should decline supplemental jurisdiction over the remaining unclear state-law claims and remand them to state court.

KEY QUOTATIONS

“For a case to arise under federal law [sufficient to support federal-question jurisdiction], the plaintiff’s ‘well-pleaded complaint’ must establish one of two things: either that federal law creates the cause of action or that the plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.” (Doc. 7 at 1-2)

“The amended complaint must contain factual allegations describing what each Defendant did to Plaintiff, when each Defendant did it, how each Defendant’s actions harmed and what specific legal rights Plaintiff believes each Defendant violated.” (Doc. 12 at 3)

“I recommend the Court dismiss any federal claims Plaintiff intended to bring in the operative complaint (Doc. 1-2) for failure to state a claim” (Conclusion)

FACTUAL BACKGROUND

Plaintiff initially filed a three-page handwritten complaint alleging, in general terms, violations of disability, human, civil, and religious rights by code-enforcement defendants. The complaint did not identify a federal cause of action, specify which defendant took which action, or provide facts supporting a federal claim. After removal and multiple orders directing clarification and amendment, Plaintiff submitted narrative filings, including a 64-page single-spaced document describing numerous unrelated events and possible ADA, Fair

Housing Act, state-law, and religious-discrimination claims without identifying the claims against each named defendant.

PROCEDURAL HISTORY

Plaintiff filed a handwritten complaint in New Mexico state court. Defendants removed the action under asserted federal-question jurisdiction. The federal court issued an order to show cause concerning jurisdiction, then ordered Plaintiff to file an amended complaint clarifying her claims and identifying the acts of each defendant. Plaintiff instead filed narrative responses and a 64-page email-formatted document that did not comply with Rule 8(a) or the amendment order. The magistrate judge recommended declining to accept the filing as an amended complaint, dismissing the intended federal claims without prejudice, and remanding the remaining state-law claims.

DISPOSITION

other

REMAND INSTRUCTIONS

The recommendation is to dismiss without prejudice all federal claims intended in the operative complaint and remand the remaining state-law claims to state court. The parties may file objections within 14 days of service under 28 U.S.C. § 636(b)(1).

CASES CITED

- Tuck v. United Servs. Auto. Ass'n, 859 F.2d 842, 843 (10th Cir. 1988)
- Firstenberg, 696 F.3d at 1023-24
- Kumar v. ChaseBank, N.A., 2013 WL 4670193, at *1 (M.D. Fla. Aug. 28, 2013)
- Jimmy Swaggart Ministries v. Bd. of Equalization of California, 493 U.S. 378, 384 (1990)
- Yellowbear v. Lampert, 741 F.3d 48, 55 (10th Cir. 2014)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- United States v. Celio, 388 F. App'x 758, 761 (10th Cir. 2010)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Theriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978)
- McNamara v. Brauchler, 570 F. App'x 741, 743 (10th Cir. 2014)
- Robbins v. Oklahoma, 519 F.3d 1242, 1249-50 (10th Cir. 2008)
- Pola v. Utah, 458 F. App'x 760, 762 (10th Cir. 2012)
- Baker v. City of Loveland, 686 F. App'x 619, 620 (10th Cir. 2017)
- Fontana v. Pearson, 772 F. App'x 728, 729 (10th Cir. 2019)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)
- Smith v. City of Enid ex rel. Enid City Comm'n, 149 F.3d 1151, 1156 (10th Cir. 1998)
- Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 956 F.3d 1228, 1238 (10th Cir. 2020)

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