

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Keaton Overton Gunnels v. Sean Sullivan, et al.

No. 25-cv-0358-DHU-KK (D.N.M. Mar. 5, 2026) · No. 25-cv-0358-DHU-KK · Decided March 5, 2026

SUMMARY

The District of New Mexico dismisses without prejudice Keaton Overton Gunnels’s pro se complaint asserting fiduciary-duty and subrogation theories against a federal judge, prosecutor, and former court clerk arising from his criminal case. The court concludes that the sovereign-citizen theories are frivolous, the allegations do not state a discernable claim, and judicial, clerk, and prosecutorial immunities bar the claims against the relevant defendants. The court denies the plaintiff’s hearing motion as moot and grants thirty days to file an amended complaint excluding immune parties.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	David Herrera Urias
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 5, 2026
DOCKET	25-cv-0358-DHU-KK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Sua sponte initial screening of a pro se civil complaint under 28 U.S.C. § 1915A and, alternatively, Rule 12(b)(6); the court dismissed the complaint without prejudice and denied the plaintiff’s hearing motion as moot, while allowing one opportunity to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint against a government official that is frivolous, malicious, or fails to state a claim. The court may also dismiss sua sponte under Rule 12(b)(6) when it is patently obvious that the plaintiff could not prevail and amendment would be futile. The complaint must contain sufficient factual matter to state a plausible claim and must comply with Rule 8(a); pro se pleadings are construed liberally but must remain intelligible.
PRECEDENTIAL VALUE	unpublished

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the complaint stated an intelligible and plausible claim for relief under Rule 8(a), Rule 12(b) (6), or 28 U.S.C. § 1915A.
2. Whether the claims against the sentencing judge and retired court clerk were barred by judicial or quasi-judicial immunity.
3. Whether the allegations against the Assistant United States Attorney stated a claim notwithstanding prosecutorial immunity.
4. Whether Plaintiff should be permitted to amend the complaint and whether his request for a hearing remained justiciable.

HOLDINGS

1. The complaint failed to state a discernable claim for relief because its sovereign-citizen terminology did not establish a cognizable legal theory and its factual allegations did not identify a specific legal claim or provide fair notice of the basis for liability.
2. The claims against the judge were barred by judicial immunity, and the claims against the retired clerk were barred by immunity applicable to nonjudicial officers performing duties integral to the judicial process.
3. The allegations against the Assistant United States Attorney failed to state a claim and were insufficient to overcome prosecutorial immunity.
4. Plaintiff was entitled to one opportunity to file an amended complaint, subject to instructions that he identify nonimmune defendants, specify who did what to whom, identify the legal and constitutional bases of his claims, and comply with Rule 8.

KEY QUOTATIONS

“The plaintiff must frame a complaint that contains “sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” (2)

“Judges are immune from suit based on actions taken in their judicial capacity.” (5)

“Prosecutors are similarly immune from suit for actions “taken in connection with the judicial process.” (5)

“The amendment cannot name parties who are immune, such as Judge Vazquez or retired clerk Mitch Elfers.” (6)

FACTUAL BACKGROUND

The complaint arose from Plaintiff's federal criminal conviction for making a false statement on a loan or credit application in violation of 18 U.S.C. § 1014. Plaintiff sued the sentencing judge, the Assistant United States Attorney who prosecuted him, and a retired federal court clerk, alleging fiduciary, subrogation, surety, and sovereign-citizen theories and seeking damages, a declaration, and an order exonerating him. The complaint alleged that defendants failed to disclose plea consequences, denied requests for relief, refused an ex parte hearing, declined to forward purported equitable documents, and refused to act as trustees.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil complaint seeking equitable relief and damages from individuals involved in his federal criminal proceeding. He paid the civil filing fee, and the district court conducted initial review sua sponte. The court dismissed the complaint for failure to state a discernable claim, held that claims against the judge and court clerk were barred by judicial immunity, concluded that the allegations against the prosecutor did not state a claim, denied a hearing motion as moot, and granted thirty days to amend.

DISPOSITION

dismissed

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Mann v. Boatright, 477 F.3d 1140, 1148 (10th Cir. 2007)
- Abdussalaam v. Virginia, 2025 WL 1106093, at *2 (W.D. Va. Apr. 14, 2025)
- Chambers v. Goldey, No. 1:25-CV-00779, 2025 WL 3784485, at *2 (W.D. La. Dec. 4, 2025)
- In re Kilpatrick, 2025 WL 3295748, at *7 (Bankr. S.D. Ohio Nov. 24, 2025)
- Yarbough v. Pennsylvania, 2025 WL 2724384, at *4 (E.D. Pa. Sept. 24, 2025)
- Anderson v. United States, 2025 WL 3720429, at *3 n. 4 (Fed. Cl. Dec. 23, 2025)
- Serpik v. Weedon, 2024 WL 5055221, at *2 (10th Cir. Dec. 10, 2024)
- United States v. Bracken, 2025 WL 3470848, at *2 (10th Cir. Dec. 3, 2025)
- Charlotte v. Hansen, 433 Fed. App'x 660, 661 (10th Cir. 2011)
- Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Mireles v. Waco, 502 U.S. 9, 11 (1991)
- Pierson v. Ray, 386 U.S. 547, 554 (1967)
- Snell v. Tunnell, 920 F.2d 673, 686 (10th Cir. 1990)
- Sawyer v. Gorman, 317 Fed. App'x 725, 728 (10th Cir. 2008)
- Henriksen v. Bentley, 644 F.2d 852, 855 (10th Cir. 1981)
- Springer v. Albin, 398 Fed. App'x 427, 435 (10th Cir. 2010)
- Imbler v. Pachtman, 424 U.S. 409, 431 (1976)

- Nielander v. Bd. of Cnty. Comm'rs, 582 F.3d 1155, 1164 (10th Cir. 2009)
- Kalina v. Fletcher, 522 U.S. 118, 131 (1997)
- Robbins v. Oklahoma, 519 F.3d 1242, 1250 (10th Cir. 2008)

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