

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Joseph Alexander v. Dawn Hill-Kearse and Sergio Jimenez

Alexander · No. 1:26-cv-00142-SCY · Decided January 26, 2026

SUMMARY

The United States District Court for the District of New Mexico orders pro se Plaintiff Joseph Alexander to file a long-form application to proceed in forma pauperis because his short-form application is insufficient. The Court also requires an amended complaint because the original pleading does not adequately state a claim or provide necessary jurisdictional, factual, and defendant-specific information. The Order warns that failure to comply may result in denial of in forma pauperis status or dismissal of the case.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 26, 2026
DOCKET	1:26-cv-00142-SCY
DISPOSITION	other
PROCEDURAL POSTURE	The court reviewed a pro se complaint and a short-form application to proceed in forma pauperis. It ordered Plaintiff to submit the required long-form application and an amended complaint curing pleading deficiencies.
STANDARD OF REVIEW	The court screened the complaint for sufficiency and determined that it failed to state a claim upon which relief can be granted.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Joseph Alexander v. Dawn Hill-Kearse, Sergio Jimenez

TOPICS

- pleadings
- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- constitutional law
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's short-form application provided sufficient information to permit the court to determine whether he was unable to pay the required filing fees.
2. Whether the complaint stated a claim upon which relief could be granted.
3. What information Plaintiff was required to provide in an amended complaint to comply with the Federal Rules of Civil Procedure and the court's pleading requirements.

HOLDINGS

1. The short-form application did not provide sufficient information for the court to determine whether Plaintiff was unable to pay the required fees, so Plaintiff was required to file the long-form application.
2. The complaint failed to state a claim upon which relief could be granted because it did not identify what each defendant did, when the conduct occurred, how Plaintiff was harmed, or what specific legal right was violated.
3. Plaintiff was required to file an amended complaint identifying the location of the events or omissions, each defendant's residence, and the court, case name, case number, and operative complaint associated with the alleged intentional delay of the motion calendar, while complying with the Federal and Local Rules of Civil Procedure.

KEY QUOTATIONS

“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when [each] defendant did it; how [each] defendant’s action harmed him or her; and, what specific legal right the plaintiff believes [each] defendant violated.”

“Pro se status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure.”

FACTUAL BACKGROUND

The complaint alleged only that Defendants conspired together and intentionally delayed a motion calendar in violation of due process. It stated that federal law supplied jurisdiction but did not identify the relevant events, the defendants' specific conduct, the harm suffered, or the legal right allegedly violated. The court therefore required factual and jurisdictional clarification in an amended complaint.

PROCEDURAL HISTORY

Plaintiff filed the complaint and a short-form application to proceed without prepaying fees or costs. The court found the short form insufficient to determine Plaintiff's inability to pay and found that the complaint failed to state a claim because it contained only vague allegations of a conspiracy and delayed motion calendar. The court gave Plaintiff twenty-one days to file the long-form application and an amended complaint, warning that failure to comply could result in denial of in forma pauperis status or dismissal.

DISPOSITION

CASES CITED

- Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Gustafson v. Luke, 696 Fed. Appx. 352, 354 (10th Cir. 2017)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)
- Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
JOSEPH ALEXANDER, Plaintiff, v. No. 1:26-cv-00142-SCY DAWN HILL-KEARSE and
SERGIO JIMENEZ, Defendants. ORDER TO CURE DEFICIENCY AND ORDER FOR
AMENDED COMPLAINT THIS MATTER comes before the Court on pro se Plaintiff's
Complaint, Doc. 1, filed January 23, 2026, and Plaintiff's Application to Proceed in District Court
Without Prepaying Fees or Costs (Short Form), Doc.

2, filed January 23, 2026 ("Short Form Application"). Order to Cure Deficiency Plaintiff filed a
motion to proceed in forma pauperis using a Short Form Application. The Short Form Application
does not provide sufficient information for the Court to determine whether a plaintiff is unable to
pay the required fees.

The Court requires plaintiffs seeking to proceed without prepaying fees to file the Application to
Proceed in District Court Without Prepaying Fees or Costs (Long Form) ("Long Form
Application"). The Court Orders Plaintiff to file a Long Form Application. Failure to file a Long
Form Application within twenty-one (21) days from entry of this Order or failure to follow all
instructions in the Long Form Application may result in denial of the motion to proceed in forma
pauperis.

Order for Amended Complaint The only allegations in the Complaint state: 1. Upon information
and belief, Defendants conspired together and intentionally delayed the calendar of motions, in
violation of due process, 2.

The basis for this court's jurisdiction is federal law. Complaint at 1. The Complaint fails to state a
claim upon which relief can be granted. "[T]o state a claim in federal court, a complaint must
explain what each defendant did to him or her; when [each] defendant did it; how [each]
defendant's action harmed him or her; and, what specific legal right the plaintiff believes [each]
defendant violated." Nasious v. Two Unknown B.I.C.E.

Agents, at Arapahoe County Justice Center, 492 F.3d 1158, 1163 (10th Cir. 2007) (emphasis added). The Court orders Plaintiff to file an amended complaint. The amended complaint must state where the events or omissions giving rise to Plaintiff's claims occurred, must state where each Defendant resides and must identify the court where Defendants "intentionally delayed the calendar of motions," provide the case name and number and a copy of the operative complaint in that case.

The amended complaint must also comply with the Federal and Local Rules of Civil Procedure. See, for example, Fed. R. Civ. P. 8(a) (a complaint must contain a short and plain statement of the grounds for the Court's jurisdiction, a short and plain statement of the claims showing that Plaintiff is entitled to relief, and a demand for the relief sought); Fed.

R. Civ. P. 10(b) ("A party must state its claims or defenses in numbered paragraphs"). Case Management Generally, pro se litigants are held to the same standards of professional responsibility as trained attorneys. It is a pro se litigant's responsibility to become familiar with and to comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of New Mexico (the "Local Rules").

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (October 2022). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court's website: <http://www.nmd.uscourts.gov>. Failure to comply with Court Orders and the Federal and Local Rules of Civil Procedure interferes with the judicial process and may result in monetary and non-monetary sanctions including filing restrictions and dismissal of this case.

See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action"); *Gustafson v. Luke*, 696 Fed.Appx. 352, 354 (10th Cir. 2017) ("Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.") (quoting *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir.

2003)). Compliance with Rule 11 The Court reminds Plaintiff of his obligations pursuant to Rule 11 of the Federal Rules of Civil Procedure. See *Yang v. Archuleta*, 525 F.3d 925, 927 n. 1 (10th Cir. 2008) ("Pro se status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure.").

Rule 11(b) provides: Representations to the Court. By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any

improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Fed. R. Civ. P. 11(b). Failure to comply with the requirements of Rule 11 may subject Plaintiff to sanctions, including monetary penalties and nonmonetary directives. See Fed. R. Civ. P. 11(c). IT IS ORDERED that: (i) Plaintiff shall, within 21 days of entry of this Order, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

Failure to timely file a Long Form Application, or failure to follow all instructions in the Long Form Application, may result in may result in denial of the motion to proceed in forma pauperis. (i1) The Clerk shall send to Plaintiff a copy of this Order and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). (ii) ~—— Plaintiff shall, within 21 days of entry of this Order, file an amended complaint.

Failure to timely file an amended complaint may result in dismissal of this case. ive UNITED STATES MAGISTRATE JUDGE