

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Marcos Ruiz v. Carlos Lazarin, SNMCF-POV Offenders Management Services, E. Castrejon, & Wexford Health Services Inc.

Ruiz · No. CIV 25-0488-JB/JFR · Decided March 4, 2026

SUMMARY

The United States District Court for the District of New Mexico grants pro se plaintiff Marcos Ruiz thirty days to file an amended complaint alleging deliberate indifference to serious medical needs and related tort claims. The court denies Defendant Carlos Lazarin’s motion to dismiss as moot and without prejudice to refile after amendment, and grants the motion to stay discovery. The order explains the requirements for connecting each defendant to the alleged wrongdoing and pleading the objective and subjective components of an Eighth Amendment medical-care claim.

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	March 4, 2026
DOCKET	CIV 25-0488-JB/JFR
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Defendant Carlos Lazarin's motion to dismiss a pro se prisoner's complaint for failure to state a claim and Lazarin's motion to stay discovery.
STANDARD OF REVIEW	On a motion to dismiss under Federal Rule of Civil Procedure 12(b) (6), the court tests the sufficiency of the allegations within the four corners of the complaint and does not consider new factual allegations raised in an opposition brief. The court also referenced the initial-review requirements of 28 U.S.C. § 1915A.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order; persuasive authority only
PARTIES	Marcos Ruiz v. Carlos Lazarin, SNMCF-POV Offenders Management Services, E. Castrejon, Wexford Health Services Inc.

TOPICS

motions to dismiss

discovery dispute

section 1983

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether the court could consider factual allegations raised for the first time in a pro se plaintiff's response to a motion to dismiss.
2. Whether Ruiz should receive leave to file an amended complaint before dismissal.
3. What allegations are required to state a deliberate-indifference claim under the Eighth Amendment and 42 U.S.C. § 1983 against individual defendants, supervisors, or entity defendants.
4. Whether discovery should be stayed while the pleading is amended and subjected to initial review.

HOLDINGS

1. A plaintiff may not amplify or amend the allegations in the complaint through a response to a motion to dismiss; the court evaluates the sufficiency of the allegations within the four corners of the complaint.
2. Before dismissing a potentially defective pro se prisoner's complaint, the court may grant an opportunity to amend to remedy defects attributable to unfamiliarity with federal law and motion practice.
3. To state an Eighth Amendment deliberate-indifference claim, an amended complaint must allege both an objectively serious medical need and each defendant's subjective deliberate indifference to that need.
4. A § 1983 complaint must connect each named defendant to the alleged constitutional violation and must identify who did what to whom; collective allegations are insufficient.
5. Discovery may be stayed while a pro se prisoner's amended complaint is filed and undergoes initial review; the parties need not engage in discovery absent further court order before the complaint survives review.

KEY QUOTATIONS

“The Court therefore declines to consider the additional factual allegations in Ruiz’ Response.” (at 1)

“The amendment must “make clear exactly who is alleged to have done what to whom, to provide each individual with fair notice as to the basis of the claim against him or her.”” (at 1)

“To satisfy the deliberate-indifference test’s subjective prong, the amendment must include “evidence of [each individual] prison official’s culpable state of mind.”” (at 1)

FACTUAL BACKGROUND

Ruiz, a prisoner, alleged that prison officials were negligent and deliberately indifferent to his serious medical needs. His complaint did not adequately connect Defendant Lazarin, the warden of Southern New Mexico Correctional Facility, to the alleged constitutional or tortious wrongdoing. In response to the motion to dismiss,

Ruiz supplied additional allegations that staff reported his medical issues to Lazarin and that Lazarin interacted with him as his condition deteriorated.

PROCEDURAL HISTORY

Ruiz filed a tort complaint alleging negligence and deliberate indifference to serious medical needs in violation of 42 U.S.C. § 1983. Lazarin moved to dismiss and to stay discovery. Ruiz attempted to add factual allegations in his response to the motion to dismiss. The court declined to consider those new allegations, granted Ruiz leave to file one amended complaint, denied the motion to dismiss as moot and without prejudice to refiling, and granted the motion to stay discovery.

DISPOSITION

other

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Mobley v. McCormick, 40 F.3d 337, 340 (10th Cir. 1994)
- Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1107 (7th Cir. 1984)
- Reynoldson v. Shillinger, 907 F.2d 124, 126 (10th Cir. 1990)
- Johnson v. New Mexico Department of Corrections, No. CIV 24-0824 JB/JFR, 2025 WL 708912, at *1 (D.N.M. Mar. 5, 2025)
- McCowan v. Morales, 945 F.3d 1276, 1291 (10th Cir. 2019)
- Lance v. Morris, 985 F.3d 787, 793 (10th Cir. 2021)
- Martinez v. Garden, 430 F.3d 1302, 1304 (10th Cir. 2005)
- Trask v. Franco, 446 F.3d 1036, 1046 (10th Cir. 1998)
- Brown v. Montoya, 662 F.3d 1152, 1164 (10th Cir. 2011)
- Dubbs v. Head Start, Inc., 336 F.3d 1194, 1216 (10th Cir. 2003)
- Martinez v. Aaron, 570 F.2d 317, 319-20 (10th Cir. 1978)
- Robbins v. Oklahoma, 519 F.3d 1242, 1249-50 (10th Cir. 2008)
- Pahls v. Thomas, 718 F.3d 1210, 1225-26 (10th Cir. 2013)

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