

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Richard Porras v. CoreCivic, Inc., et al.

Case No. 1:19-CV-00367-MV-KK (D.N.M. Dec. 29, 2025) · No. 1:19-CV-00367-MV-KK · Decided December 29, 2025

SUMMARY

The United States District Court for the District of New Mexico considers Defendants’ motion to dismiss claims arising from an inmate attack at a privately operated detention facility and Plaintiff’s motion to amend his complaint. The Court concludes that Plaintiff has not adequately alleged that Defendants acted under color of state law for purposes of 42 U.S.C. § 1983, grants the motion to dismiss, and denies the proposed amendment as futile. The Court allows Plaintiff an opportunity to file a new motion seeking leave to amend to address the pleading defect.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Martha Vazquez
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	December 29, 2025
DOCKET	1:19-CV-00367-MV-KK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Second Amended Complaint. Plaintiff moved under Rules 15 and 16 to file a proposed Third Amended Complaint. The court granted the motion to dismiss, denied the motion to amend as futile, declined supplemental jurisdiction over the state-law claims, and allowed Plaintiff 120 days to file a new motion for leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief; conclusory allegations, unwarranted inferences, and legal conclusions are not accepted as binding. A proposed amendment is futile when the amended complaint would remain subject to dismissal. After a scheduling-order deadline, Rule 16(b)(4) requires good cause, assessed by whether the deadline could not be met despite diligent efforts.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Richard Porras v. CoreCivic, Inc., Freeman, Troglin, Viramontes, Lewis, Flores, Honeycutt, Lopez, Gardea, Miller, Gonzales, Gallegos, Perry, Trujillo

TOPICS

section 1983 prisoners rights motions to dismiss motion to amend subject matter jurisdiction

PRACTICE AREAS

civil rights constitutional law civil procedure prisoner litigation torts

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint alleged facts establishing that CoreCivic and its employees acted under color of state law, as required for a claim under 42 U.S.C. § 1983.
2. Whether the proposed Third Amended Complaint cured the state-action pleading defect and therefore could be filed under Rules 15 and 16.
3. Whether the court should retain supplemental jurisdiction over Plaintiff's remaining New Mexico-law claims after dismissing the federal claims.

HOLDINGS

1. The Second Amended Complaint failed to allege facts that, if proven, would establish that Defendants acted under color of state law. Allegations that CoreCivic operated a facility housing both state and federal detainees under a state-related contract did not establish that Plaintiff himself was held pursuant to that contract or that New Mexico or its political subdivisions were his formal custodians with authority over his liberty interests and conditions of confinement.
2. Leave to amend was denied because the proposed Third Amended Complaint also failed to allege facts establishing that Defendants acted under color of state law and would therefore be subject to dismissal under Rule 12(b)(6).
3. The court declined to exercise supplemental jurisdiction over Plaintiff's remaining New Mexico-law claims after dismissing the federal claims and dismissed the state-law claims without prejudice.

KEY QUOTATIONS

“The Second Amended Complaint fails to allege facts that, if proven, would establish that Defendants were acting under color of state law for purposes of § 1983.” (Conclusion)

“A right is a paper tiger without a corresponding remedy, and when a right is federally guaranteed, the remedy ensuring it should be too.” (Discussion)

FACTUAL BACKGROUND

Richard Porras was a federal pretrial detainee housed at the Torrance County Detention Facility, a private facility operated by CoreCivic under contractual relationships with governmental entities. While speaking on the telephone in an unsupervised housing area, Porras was attacked by four inmates with punches, kicks, and a makeshift weapon, and he was not discovered for nearly half an hour. He alleged that detention officers and nurses failed to protect him and delayed emergency medical treatment, causing severe physical injuries. He also alleged that CoreCivic maintained policies or practices of understaffing and leaving detainees unsupervised, and that officers knew he faced a risk of retaliation because of his prior cooperation with authorities.

PROCEDURAL HISTORY

Plaintiff filed his original complaint pro se on April 22, 2019, then filed a First Amended Complaint on January 7, 2021, and a Second Amended Complaint on March 22, 2021. Defendants moved to dismiss the Second Amended Complaint on April 21, 2021. Plaintiff moved to amend on May 18, 2023, attaching a proposed Third Amended Complaint. The court found good cause under Rule 16(b)(4), but concluded that both the existing and proposed federal claims failed to allege state action and that amendment would therefore be futile.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Hackford v. Babbitt, 14 F.3d 1457, 1465 (10th Cir. 1994)
- Foman v. Davis, 371 U.S. 178 (1962)
- Minter v. Prime Equipment Co., 451 F.3d 1196, 1205-08 (10th Cir. 2006)
- R.E.B., Inc. v. Ralston Purina Co., 525 F.2d 749, 751 (10th Cir. 1975)
- Steir v. Girl Scouts of the USA, 383 F.3d 7, 12 (1st Cir. 2004)
- Viernow v. Euripides Development Corp., 157 F.3d 785, 800 (10th Cir. 1998)
- Bauchman for Bauchman v. West High School, 132 F.3d 542, 562 (10th Cir. 1997)
- Gohier v. Enright, 186 F.3d 1216, 1218 (10th Cir. 1999)
- Gorsuch, Ltd., B.C. v. Wells Fargo National Bank Association, 771 F.3d 1230, 1240-41 (10th Cir. 2014)
- Bylin v. Billings, 568 F.3d 1224, 1231 (10th Cir. 2009)
- Pumpco, Inc. v. Schenker International, Inc., 204 F.R.D. 667, 668-69 (D. Colo. 2001)
- Husky Ventures, Inc. v. B55 Investments, Ltd., 911 F.3d 1000 (10th Cir. 2018)
- West v. Atkins, 487 U.S. 42, 48-49 (1988)
- Jojola v. Chavez, 55 F.3d 488, 492 (10th Cir. 1995)
- Phillips v. Tiona, 508 F. App'x 737, 749-51 (10th Cir. 2013)
- Dushane v. Sacramento County Jail, No. 13-cv-2518, 2014 WL 3867468, at *2 (E.D. Cal. Aug. 6, 2014)
- Dorantes v. Nye, No. 22-cv-50, 2022 WL 1097093, at *1 (W.D. Okla. Feb. 28, 2022)

- *Burke v. Corrections Corporation of America*, No. 09-cv-3068, 2009 WL 1631579, at *2 (D. Kan. June 10, 2009)
- *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982)
- *Brooks v. Gaenzle*, 614 F.3d 1213, 1229-30 (10th Cir. 2010)
- *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 71 (2001)
- *Minneeci v. Pollard*, 565 U.S. 118, 131 (2012)
- *Marbury v. Madison*, 5 U.S. 137, 163 (1803)

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