

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Robert R. Wolf v. New Mexico Department of Corrections, Kristal Rivera, Jose Santiago, Timothy B. Hatch, Shawn Farman, Robert Nilius, Cherly Doren, and John Sanchez

Wolf · No. No. CIV 23-0382 JB/GJF · Decided March 31, 2026

SUMMARY

The United States District Court for the District of New Mexico denies Robert R. Wolf’s motion to correct his § 1983 civil-rights complaint and to file a fourth amended complaint. The court analyzes the motion under Federal Rule of Civil Procedure 60(b), concluding that Wolf fails to establish mistake, newly discovered evidence, fraud, or another basis for relief from the judgment dismissing his claims without prejudice. The court permits Wolf to pursue any distinct ADA or Eighth Amendment claims in a new action.

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 31, 2026
DOCKET	No. CIV 23-0382 JB/GJF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) to correct or reopen his dismissed prisoner civil-rights action and file a fourth amended complaint. The court denied the motion.
STANDARD OF REVIEW	Relief under Rule 60(b) is extraordinary, difficult to attain, and appropriate only when denying relief would offend justice. The court also considered the Rule 59 standard in the alternative because Wolf asserted that the motion may have been filed within twenty-eight days.
PRECEDENTIAL VALUE	Unpublished memorandum opinion and order from a federal district court; generally nonprecedential outside the case.
PARTIES	Robert R. Wolf v. New Mexico Department of Corrections, Kristal Rivera, Jose Santiago, Timothy B. Hatch, Shawn Farman, Robert Nilius, Cherly Doren, John Sanchez

TOPICS

motion for reconsideration

motion to amend

civil procedure

section 1983

ada / disability

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal courts

Disability discrimination

QUESTIONS PRESENTED

1. Whether Wolf was entitled to relief under Federal Rule of Civil Procedure 60(b) from the judgment dismissing his action without prejudice.
2. Whether Wolf was entitled to relief under Rule 59 if the Motion to Correct were treated as timely.
3. Whether Wolf could use the post-judgment Motion to Correct to file a fourth amended complaint asserting theories that had been superseded by his controlling Third Amended Complaint.

HOLDINGS

1. Wolf did not establish mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud, or another extraordinary circumstance justifying relief under Rule 60(b).
2. Even if the Motion to Correct were treated as timely under Rule 59, Wolf was not entitled to relief because he identified no intervening change in controlling law, previously unavailable new evidence, clear error, or manifest injustice.
3. Wolf could not obtain post-judgment relief by asserting new or previously superseded claims in the Motion to Correct; the court denied the motion without prejudice to filing a new civil action.

KEY QUOTATIONS

“Rule 60(b)(6) relief is, however, “extraordinary,” “difficult to attain,” and only “appropriate ... when it offends justice to deny such relief.””

“The Court denies the Motion to Correct without prejudice to filing a new civil case, if Wolf wants to pursue additional claims under the ADA or 42 U.S.C. 1983.”

FACTUAL BACKGROUND

Wolf is a state inmate at the Central New Mexico Correctional Facility. His initial amended complaint concerned alleged conditions of confinement, treatment of geriatric prisoners, discrimination, cruel and unusual punishment, and disability-related claims. After being allowed to amend, he filed a Third Amended Complaint concerning rejected books and legal mail, which the court dismissed without prejudice as inadequately pleaded and duplicative of claims in a separate action. Wolf later sought to revive his original conditions-of-confinement and ADA theories through a Motion to Correct and proposed fourth amendment.

PROCEDURAL HISTORY

Wolf initially filed claims concerning prison conditions, discrimination, cruel and unusual punishment, and the Americans with Disabilities Act. After screening under 28 U.S.C. § 1915(e), the court dismissed the initial

amended complaint without prejudice and permitted amendment. Wolf filed multiple amendments and extensions; the court treated his Third Amended Complaint, which concerned rejected books and mail, as the controlling pleading. On May 30, 2025, the court dismissed that pleading without prejudice for failure to state a cognizable claim and because it duplicated claims pending in another federal action. Wolf then filed the present Motion to Correct on July 2, 2025.

DISPOSITION

other

CASES CITED

- *Pahls v. Thomas*, 718 F.3d 1210, 1225-26 (10th Cir. 2013)
- *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)
- *Erwin v. Zmuda*, No. 24-3022, 2024 WL 2768460, at *2 (10th Cir. May 30, 2024)
- *Childs v. Miller*, 713 F.3d 1262, 1265 (10th Cir. 2013)
- *United States v. Austin*, 426 F.3d 1266, 1274 (10th Cir. 2005)
- *Novotny v. OSL Retail Servs. Corp.*, No. 22-8062, 2023 WL 3914017, at *1 (10th Cir. June 9, 2023)
- *United States v. Miles*, 343 Fed. App'x 392, 393 (10th Cir. 2009)
- *United States v. McIntyre*, 551 Fed. App'x 448, 449 (10th Cir. 2014)
- *Spitznas v. Boone*, 464 F.3d 1213, 1215 (10th Cir. 2006)
- *Zurich North America v. Matrix Serv., Inc.*, 426 F.3d 1281, 1289, 1293 (10th Cir. 2005)
- *Price v. Philpot*, 420 F.3d 1158, 1165 (10th Cir. 2005)
- *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)

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