

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Damian Zamojda v. Casa Milagro and Anji Estrellas

Zamojda · No. No. 1:26-cv-00031-KWR-SCY · Decided February 3, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed a pro se plaintiff's action without prejudice after he failed to file an amended complaint by the court-ordered deadline. The court relied on Federal Rule of Civil Procedure 41(b) and dismissed the case sua sponte for failure to comply with a court order.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kea W. Riggs
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 3, 2026
DOCKET	No. 1:26-cv-00031-KWR-SCY
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff's motion for a temporary restraining order was denied and liberally construed as a complaint. After the court ordered him to file an amended complaint by January 30, 2026, he failed to do so, and the court dismissed the action without prejudice sua sponte.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order
PARTIES	Damian Zamojda v. Casa Milagro, Anji Estrellas

TOPICS

civil procedure

motions to dismiss

pleadings

ada / disability

due process

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice after the plaintiff failed to timely file an amended complaint ordered by the court.

2. Whether a federal district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order.

HOLDINGS

1. The action was properly dismissed without prejudice because Plaintiff failed to comply with the court's order requiring a timely amended complaint.

KEY QUOTATIONS

“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action”

“To establish jurisdiction pursuant to 28 U.S.C. § 1331, ‘[t]he complaint must identify the statutory or constitutional provision under which the claim arises, and allege sufficient facts to show that the case is one arising under federal law’” (at 2)

FACTUAL BACKGROUND

Damian Zamojda, who is disabled, alleged that Casa Milagro, a HUD-subsidized supportive housing provider, and its director, Anji Estrellas, failed to comply with a state-court order requiring the return of his medical, financial, and programmatic records. He asserted jurisdiction and claims under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, 28 U.S.C. §§ 1331 and 1343, and the Fourteenth Amendment Due Process Clause.

PROCEDURAL HISTORY

Plaintiff sought emergency injunctive relief against a HUD-subsidized supportive housing provider and its director. The court denied the temporary restraining order, found that the allegations did not sufficiently establish federal-question jurisdiction or claims under the asserted federal statutes and constitutional provision, and ordered an amended complaint. Plaintiff missed the deadline, so the court dismissed the case without prejudice for failure to comply with the court's order.

DISPOSITION

dismissed

CASES CITED

- Davison v. Grant Thornton LLP, 582 F. App'x 773, 775 (10th Cir. 2014)
- Gustafson v. Luke, 696 F. App'x 352, 354 (10th Cir. 2017)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
DAMIAN ZAMOJDA, Plaintiff, v. No. 1:26-cv-00031-KWR-SCY CASA MILAGRO and ANJI

ESTRELLAS, Defendants. MEMORANDUM OPINION AND ORDER OF DISMISSAL Pro se Plaintiff, who is disabled, sought a temporary restraining order against Defendant Casa Milagro, “a HUD-subsidized supportive housing provider,” and its Director, Defendant Estrellas, alleging that they failed to comply with a state-court order to return Plaintiff’s medical, financial, and programmatic records to Plaintiff.

See Emergency Motion for Temporary Restraining Order and Preservation of Evidence at 2, Doc. 1, filed January 8, 2026 (“Motion”). Plaintiff stated the Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Due Process Clause of the Fourteenth Amendment. See Motion at 2.

The Court denied the Motion for a temporary restraining order and liberally construed Plaintiff’s Motion as a complaint. See Order at 1, 4, 6-7. The Court notified Plaintiff that he had not alleged sufficient facts showing that his claims arise from the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and 28 U.S.C. § 1343. See Order at 2 (“To establish jurisdiction pursuant to 28 U.S.C. § 1331, ‘[t]he complaint must identify the statutory or constitutional provision under which the claim arises, and allege sufficient facts to show that the case is one arising under federal law’”) (quoting *Davison v. Grant Thornton LLP*, 582 Fed.Appx.

773, 775 (10th Cir. 2014)). The Court ordered Plaintiff to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. See Order at 6. Plaintiff did not file an amended complaint by the January 30, 2026, deadline.

The Court dismisses this case without prejudice because Plaintiff has not complied with the Court’s Order to timely file an amended complaint. 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)). IT IS ORDERED that this case is DISMISSED without prejudice. ____/S/ Kea W. Riggs_____ UNITED STATES DISTRICT JUDGE