

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Behnam Kheyraddini Mousavi v. University of New Mexico Hospital

No. 1:25-cv-01326-SCY · No. No. 1:25-cv-01326-SCY · Decided January 7, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Plaintiff Behnam Kheyraddini Mousavi's application to proceed in forma pauperis and grants permission to file electronically in the case. The Court orders the United States Marshals Service to serve University of New Mexico Hospital with the summons and complaint. The order also advises the pro se plaintiff regarding case-management obligations and compliance with Federal Rule of Civil Procedure 11.

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 7, 2026
DOCKET	No. 1:25-cv-01326-SCY
DISPOSITION	other
PROCEDURAL POSTURE	At the commencement of a pro se civil negligence action, the court considered Plaintiff's application to proceed in forma pauperis, motion for electronic filing, and the resulting service of process.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

[civil procedure](#) [service of process](#) [sanctions](#) [negligence](#)

PRACTICE AREAS

[civil procedure](#) [torts](#) [health law](#)

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether Plaintiff should be granted permission to file documents electronically in the case.
3. Whether the court should order service by the United States Marshals Service because Plaintiff was authorized to proceed in forma pauperis.

HOLDINGS

1. The court held that Plaintiff was unable to pay the costs of the proceeding and granted his application to proceed without prepaying fees or costs.
2. The court held that Plaintiff should be permitted to file electronically in this case.
3. The court held that the United States Marshals Service must serve Defendant with a summons and a copy of the complaint.

KEY QUOTATIONS

“The statute [allowing a litigant to proceed in forma pauperis] was intended for the benefit of those too poor to pay or give security for costs....”

“The United States Marshals Service shall serve Defendant University of New Mexico Hospital with a summons and a copy of the Complaint”

FACTUAL BACKGROUND

Plaintiff filed a pro se complaint alleging negligence against University of New Mexico Hospital. In support of his in forma pauperis application, Plaintiff reported average monthly income of \$600, monthly expenses of \$550, no cash, and \$1,517.26 in bank accounts. Plaintiff also submitted a CM/ECF pro se account registration form and requested permission to file electronically.

PROCEDURAL HISTORY

Plaintiff filed a civil negligence complaint, an application to proceed without prepaying fees or costs, and a motion for electronic filing on December 31, 2025. The court granted in forma pauperis status, granted permission to file electronically in this case, and ordered the United States Marshals Service to serve the defendant.

DISPOSITION

other

CASES CITED

- Menefee v. Werholtz, 368 F. App'x 879, 884 (10th Cir.)
- Ragan v. Cox, 305 F.2d 58, 60 (10th Cir. 1962)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339, 344 (1948)
- Gustafson v. Luke, 696 F. App'x 352, 354 (10th Cir.)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir.)
- Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir.)