

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Joaquin Guzman and Emma Coronel v. FNU LNU

No. 1:25-cv-429 MIS/LF · No. No. 1:25-cv-429 MIS/LF · Decided February 12, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Joaquin Guzman and Emma Coronel leave to proceed in forma pauperis. The court dismisses their complaint without prejudice because it fails to identify proper defendants, comply with pleading requirements, and state a cognizable claim, while granting leave to file a single amended complaint within 30 days. The court denies the plaintiffs’ remaining motions as moot.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Margaret Strickland
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 12, 2026
DOCKET	No. 1:25-cv-429 MIS/LF
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial review of a pro se civil-rights complaint filed with an application to proceed in forma pauperis, the district court granted in forma pauperis status, dismissed the complaint without prejudice, denied the remaining motions as moot, and granted leave to amend.
STANDARD OF REVIEW	The court conducted mandatory sua sponte screening under 28 U.S.C. § 1915(e)(2)(B) and applied the Rule 12(b)(6) failure-to-state-a-claim standard, accepting well-pleaded factual allegations as true and requiring sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Joaquin Guzman, Emma Coronel v. FNU LNU

TOPICS

- pleadings
- motions to dismiss
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiffs qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a) and stated a cognizable claim under Rule 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B).
3. Whether the remaining pending motions should be denied as moot in light of dismissal with leave to amend.

HOLDINGS

1. Plaintiffs demonstrated that they were unable to pay the costs of the proceeding, so the court granted their application to proceed in forma pauperis.
2. The complaint was dismissed without prejudice because it failed to comply with Rule 8(a), failed to identify proper defendants and a cognizable legal theory, and failed to state a plausible claim for relief.
3. If plaintiffs intend to pursue a claim under 42 U.S.C. § 1983, they must identify a deprivation of a constitutional right by a person acting under color of state law and allege each official's personal involvement in the alleged violation.
4. Plaintiffs were granted thirty days to file a single amended complaint curing the pleading defects.

KEY QUOTATIONS

“A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief.” (at 2)

“To avoid dismissal for failure to state a claim, a complaint must contain “sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” (at 2)

“a successful § 1983 complaint 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 3)

FACTUAL BACKGROUND

Plaintiffs filed a pro se complaint that did not name any defendants and whose allegations were largely unintelligible. The caption listed Joaquin Guzman and Emma Coronel, but the signature line and mailing envelope indicated that the filing was submitted by an attorney named Gene Edward Scott II. Plaintiffs referenced the Eighth Amendment and due process but did not present a coherent legal theory or factual allegations explaining what any defendant did.

PROCEDURAL HISTORY

Plaintiffs filed a pro se complaint, an application to proceed without prepaying fees or costs, a motion requesting a district judge, and a motion to dismiss in favor of plaintiffs. The court found that the complaint failed to identify defendants, did not clearly identify a legal theory, and failed to provide coherent facts or a short and

plain statement showing entitlement to relief. The court dismissed the complaint without prejudice and allowed plaintiffs thirty days to file a compliant amended complaint.

DISPOSITION

dismissed

CASES CITED

- Menefee v. Werholtz, 368 F. App'x 879, 884 (10th Cir. 2010)
- Ragan v. Cox, 305 F.2d 58, 60 (10th Cir. 1962)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- McLaughlin v. Bd. of Trs., 215 F.3d 1168, 1172 (10th Cir. 2000)
- Trask v. Franco, 446 F.3d 1036, 1046 (10th Cir. 2006)
- Robbins v. Oklahoma, 519 F.3d 1242, 1249-50 (10th Cir. 2008)
- Reynoldson v. Shillinger, 907 F.2d 124, 126 (10th Cir. 1990)

OPINION

Guzman

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

JOAQUIN GUZMAN and

EMMA CORONEL,

Plaintiffs, v. No. 1:25-cv-429 MIS/LF

FNU LNU,

Defendant.

OMNIBUS ORDER GRANTING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, DISMISSING COMPLAINT WITHOUT PREJUDICE, DENYING ALL OTHER PENDING MOTIONS AS MOOT, AND PROVIDING LEAVE TO AMEND

This matter is before the Court on Plaintiffs' pro se "Complaint for a Civil Case" (ECF No. 1), filed May 5, 2025. Also before the Court are Plaintiffs' Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) (IFP Motion), Motion Requesting a District Judge (ECF No. 4), and Motion to Dismiss in Favor of Plaintiffs (ECF No. 5). Plaintiffs do not name any Defendants and their claims are mostly unintelligible. (ECF No. 1) at 4. Having considered the record and applicable law, the Court will order Plaintiffs to file a single, amended complaint, as set forth below.

1. Plaintiffs' IFP Motion (ECF No. 2)

The statute for proceedings in forma pauperis, 28 U.S.C. § 1915(a), provides that the Court may authorize the commencement of any suit without prepayment of fees by a person who submits an affidavit that includes a statement of all assets the person possesses, and that the person is unable to pay such fees. When a district court receives an application for leave to proceed in forma pauperis, it should examine the papers and determine if the requirements of [28 U.S.C.] § 1915(a) are satisfied. If they are, leave should be granted. Thereafter, if the court finds that the allegations of poverty are untrue or that the action is frivolous or malicious, it may dismiss the case[.] *Menefee v. Werholtz*, 368 F. App'x 879, 884 (10th Cir. 2010) (citing *Ragan v. Cox*, 305 F.2d 58, 60 (10th Cir. 1962)). Plaintiffs signed an affidavit stating they are unable to pay the costs of these proceedings and provided information showing their average monthly income is less than their monthly expenses. See (ECF No. 2). Accordingly, the Court finds that Plaintiffs are unable to pay the costs of this proceeding and grants the IFP Motion.

2. Plaintiffs Must File an Amended Complaint

Pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii), the Court must dismiss a civil action sua sponte if the complaint “is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief.” A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief. Fed. R. Civ. P. 8(a)(2). The Court may also dismiss a complaint sua sponte under Rule 12(b)(6) if “it is patently obvious that the plaintiff could not prevail on the facts alleged, and allowing [plaintiff] an opportunity to amend [the] complaint would be futile.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (quotations omitted). To avoid dismissal for failure to state a claim, a complaint must contain “sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* 2 Because Plaintiffs are proceeding pro se, their “pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers.” *Hall*, 935 F.2d at 1110. While pro se pleadings are judged by the same legal standards that apply to represented litigants, the Court can overlook the “failure to cite proper legal authority, ... confusion of various legal theories, ... poor syntax and sentence construction, or ... unfamiliarity with pleading requirements.” *Id.* Nevertheless, the Court is not obligated to craft legal theories for Plaintiffs, and it is not the “proper function of the district court to assume the role of advocate for the pro se litigant.” *Id.* Plaintiffs’ Complaint does not survive initial review. As an initial matter, Plaintiffs fail to name any Defendants. Moreover, Plaintiffs’ names in the case caption do not match the signature line or mailing envelope, which instead indicate this action was filed by an attorney named “Gene Edward Scott II.” See (ECF No. 1) at 5-6. The Federal Rules of Civil Procedure provide that “[a]n action must be prosecuted in the name of the real party in interest[.]” Fed. R. Civ. P. 17(a)(1), and require that all parties are named in the

title of the complaint, Fed. R. Civ. P. 10(a). Plaintiffs cannot proceed without naming the proper parties. Additionally, the Court cannot discern what legal theory Plaintiffs wish to pursue. Plaintiffs cite the Eighth Amendment and mention due process (see ECF No. 1 at 4), but they make no coherent claim or state any facts. If Plaintiffs intend to bring a civil rights claim under 42 U.S.C. § 1983, they must allege “deprivation of a civil right by a ‘person’ acting under color of state law.” *McLaughlin v. Bd. of Trs.*, 215 F.3d 1168, 1172 (10th Cir. 2000). Plaintiffs must also allege that each government official, through the official’s own individual actions, has personally violated the Constitution. See *Trask v. Franco*, 446 F.3d 1036, 1046 (10th Cir. 1998). Essentially, 3 “a successful § 1983 complaint 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.” *Robbins v. Oklahoma*, 519 F.3d 1242, 1249-50 (10th Cir. 2008) (emphasis in original). Based on the foregoing, the Court will dismiss the Complaint (ECF No. 1) without prejudice for failure to conform to Rule 8(a) and for failure to state a cognizable claim under Rule 12(b)(6). The Tenth Circuit counsels that pro se plaintiffs should ordinarily be given an opportunity to “remedy defects potentially attributable to their ignorance of federal law.” *Reynoldson v. Shillinger*, 907 F.2d 124, 126 (10th Cir. 1990). Plaintiffs may file a single amended complaint within thirty (30) days of entry of this Order. The amendment must include Plaintiffs’ names in the title, list all Defendants and claims, and contain a short and plain statement demonstrating the grounds for relief, as required by Fed. R. Civ. P. 8(a). The amendment must not exceed 30 pages in length. If Plaintiffs fail to timely file a single, amended complaint that complies with these instructions - or if they continue to file piecemeal submissions that violate Rule 8(a) - the Court may dismiss this case with or without prejudice.

3. All Remaining Motions Are Denied as Moot

The Court will deny all remaining motions without prejudice, specifically Plaintiffs’: Motion Requesting a District Judge (ECF No. 4) and Motion to Dismiss in Favor of Plaintiffs (ECF No. 5). Such motions are moot in light of the Court’s ruling directing an amended complaint. IT IS THEREFORE ORDERED that Plaintiffs’ Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) is GRANTED; 4 IT IS FURTHER ORDERED that Plaintiffs’ Motion Requesting a District Judge (ECF No. 4) and Motion to Dismiss in Favor of Plaintiffs (ECF No. 5) are DENIED without prejudice; IT IS FINALLY ORDERED that within thirty (30) days of entry of this Order, Plaintiffs must file a single, amended complaint that complies with the above instructions. Failure to timely comply with this Memorandum Opinion and Order may result in dismissal of this action without further notice. Merced Shviddnud
MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE