

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Anthony J. Stonecipher, Claudene Stonecipher, and Vanessa
Stonecipher v. City of Alamogordo, et al.

Stonecipher · No. 2:25-cv-01262-DLM · Decided December 19, 2025

SUMMARY

The United States District Court for the District of New Mexico orders the pro se plaintiffs to file an amended complaint of no more than 75 pages that complies with the Federal Rules of Civil Procedure and local rules. The court strikes an overlength motion for summary judgment, attachments, and emergency motion for injunctive relief; partially grants a requested stay; denies a request to conduct all proceedings exclusively through written submissions; grants permission for electronic filing; and denies the motion for service of summonses. The order also explains limitations on a nonlawyer parent’s ability to represent a minor child and on asserting claims under criminal statutes.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Damian L. Martinez
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	December 19, 2025
DOCKET	2:25-cv-01262-DLM
DISPOSITION	other
PROCEDURAL POSTURE	At the outset of a civil-rights and disability-related action, the district court reviewed the pro se complaint and related motions, ordered an amended complaint, struck noncompliant filings, partially granted and denied requests for stays and accommodations, granted electronic-filing permission, and denied the motion for service of summonses.
STANDARD OF REVIEW	The court reviewed the complaint under Federal Rule of Civil Procedure 8, the Federal Rules and local rules governing filings and motions, and its inherent authority to manage its docket. The order also applied the court's discretion to strike noncompliant filings and to manage requests for stays and accommodations.
PRECEDENTIAL VALUE	Unknown; district-court memorandum opinion and order

PARTIES

Anthony J. Stonecipher, Claudene Stonecipher, Vanessa Stonecipher, a minor, by and through her next friend and father, Anthony J. Stonecipher v. City of Alamogordo, et al.

TOPICS

pleadings

civil procedure

reasonable accommodation

ada / disability

sanctions

PRACTICE AREAS

civil procedure

civil rights

disability law

municipal law

QUESTIONS PRESENTED

1. Whether the 619-page complaint complied with Federal Rule of Civil Procedure 8 and related pleading requirements.
2. Whether the court could require plaintiffs to file an amended complaint complying with page, formatting, and content requirements.
3. Whether the oversized summary-judgment motion, attachments, and emergency motion for injunctive relief should be struck under the local rules.
4. Whether plaintiffs were entitled to the requested stays and disability-related accommodations, including a blanket prohibition on live proceedings and adjudication solely through written submissions.
5. Whether a pro se, nonlawyer parent could assert claims or file documents on behalf of a minor child.
6. Whether the court or magistrate judge should issue the summonses requested by plaintiffs.

HOLDINGS

1. The complaint did not comply with Rule 8 because it was excessively long, lacked uniquely numbered paragraphs, and failed to clearly identify the factual allegations supporting each claim and defendant's alleged conduct.
2. A pro se, nonlawyer parent may not bring claims or file documents on behalf of a minor child in federal court.
3. Plaintiffs may not assert private civil claims for alleged violations of criminal statutes because criminal statutes do not create private civil causes of action.
4. The court could strike the summary-judgment motion and attachments and the emergency motion for injunctive relief because they exceeded the page limits imposed by the District of New Mexico's local rules.
5. Plaintiffs were not entitled to an order prohibiting all live hearings or requiring every matter to be decided solely on written submissions under the ADA.
6. The magistrate judge denied the motion for service of summonses because the judge does not issue summonses; plaintiffs may present properly completed summonses to the Clerk for signature and seal and remain responsible for service under Rule 4.

KEY QUOTATIONS

“Rule 8(d)(1) requires “simple, concise, and direct” allegations.” (Order for Amended Complaint)

“The amended complaint “must explain what each defendant did to him or her; when the defendant did it; how the defendant's action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”” (Order for Amended Complaint)

“A litigant may bring his own claims to federal court without counsel, but not the claims of others.” (Order for Amended Complaint)

“The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act do not apply to the federal judiciary.” (Order Denying in part Plaintiff’s Omnibus Request for ADA Accommodations)

FACTUAL BACKGROUND

Plaintiffs filed a 619-page complaint asserting civil-rights, Americans with Disabilities Act, intentional-infliction-of-emotional-distress, injunctive-relief, and declaratory-relief claims against the City of Alamogordo and other defendants. The complaint was not organized into numbered paragraphs and included extensive legal standards. Plaintiffs also submitted an approximately 589-page summary-judgment motion with more than 600 pages of attachments and a 41-page emergency motion for injunctive relief. Plaintiff Anthony J. Stonecipher sought stays and disability-related accommodations, including written proceedings only, electronic filing, and electronic service, while also attempting to proceed on behalf of a minor child.

PROCEDURAL HISTORY

Plaintiffs filed a 619-page omnibus complaint and several motions on December 17, 2025. Before service and merits adjudication, the court exercised its inherent docket-management authority and reviewed the pleadings and motions. The court required a compliant amended complaint, struck an oversized summary-judgment motion and emergency injunction motion, granted limited stays and accommodations, and directed plaintiffs to obtain issuance of summonses from the Clerk and serve the amended complaint.

DISPOSITION

other

CASES CITED

- Securities and Exchange Commission v. Management Solutions, Inc., 824 Fed. App'x 550, 553 (10th Cir. 2020)
- Dietz v. Bouldin, 136 S. Ct. 1885, 1891-92 (2016)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1162-63 (10th Cir. 2007)
- Lowrey v. Sandoval County Children Youth and Families Department, 2023 WL 4560223, at *2 (10th Cir. July 17, 2023)
- United States v. Celio, 388 Fed. App'x 758, 761 (10th Cir. 2010)
- Fymbo v. State Farm Fire & Casualty Co., 213 F.3d 1320, 1321 (10th Cir. 2000)

- *Kanth v. Lubeck*, 123 Fed. App'x 921, 923 n.1 (10th Cir. 2005)
- *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986)
- *Kelly v. Rockefeller*, 69 Fed. App'x 414, 415-416 (10th Cir. 2003)
- *Diamond v. Charles*, 476 U.S. 54, 64 (1986)
- *United States v. Orozco*, *United States v. Orozco*, 916 F.3d 919, 925 (10th Cir. 2019)
- *Ysais v. New Mexico Judicial Standards Commission*, 616 F. Supp. 2d 1176, 1184 (D.N.M. 2009)
- *Bustillo v. Hawk*, 44 F. App'x 396, 400-01 (10th Cir. 2002)
- *In re Hopkins*, No. 98-1186, 1998 WL 704710, at *3 n.6 (10th Cir. Oct. 5, 1998)
- *Bunn v. Perdue*, 966 F.3d 1094, 1099 (10th Cir. 2020)
- *Oklahoma Radio Associates v. Federal Deposit Insurance Corp.*, 969 F.2d 940, 942 (10th Cir. 1992)
- *United States v. Spedalieri*, 910 F.3d 707, 709 n.2 (10th Cir. 1990)
- *Gustafson v. Luke*, 696 Fed. App'x 352, 354 (10th Cir. 2017)
- *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)
- *Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008)

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