

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Matthew Stephen Hepple v. Attorney General for the State of New Mexico

No. 2:23-cv-00864-MV-KRS · No. No. 2:23-cv-00864-MV-KRS · Decided January 22, 2026

SUMMARY

The United States District Court for the District of New Mexico orders habeas petitioner Matthew Stephen Hepple to provide an updated address after court mail was returned as undeliverable. The court stays the respondent’s deadline to answer the habeas petition and warns that failure to update the address may result in dismissal.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kevin R. Sweazea
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 22, 2026
DOCKET	No. 2:23-cv-00864-MV-KRS
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2254 habeas petition challenging his state convictions. After the Court directed Respondent to answer, a mailing to Petitioner was returned as undeliverable, prompting the Court to require Petitioner to show cause by providing a current address.
PRECEDENTIAL VALUE	Nonprecedential interlocutory case-management order
PARTIES	Matthew Stephen Hepple v. Attorney General for the State of New Mexico

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure
- pleadings

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the Court should require Petitioner to provide a current mailing address after correspondence was returned as undeliverable.
2. Whether the deadline for Respondent to answer the habeas petition should be stayed pending Petitioner's compliance with the address-notification requirement.

HOLDINGS

1. Petitioner must notify the Clerk of his new address within thirty days of entry of the order, as required by N.M. LR-Civ. 83.6.
2. The deadline for the Attorney General for the State of New Mexico to answer the petition is stayed until further order of the Court.

KEY QUOTATIONS

"It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure The same is true of simple, nonburdensome local rules."

FACTUAL BACKGROUND

Matthew Stephen Hepple, proceeding pro se, filed a § 2254 petition challenging his state convictions, including on double-jeopardy grounds. He was formerly a state inmate, and a mailing sent to him was returned as undeliverable; a search of the Federal Bureau of Prisons electronic database yielded no results.

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition while incarcerated in state custody. On December 19, 2025, the Court ordered Respondent to answer within sixty days. After a mailing was returned as undeliverable and a Bureau of Prisons search produced no results, the Court stayed the answer deadline and ordered Petitioner to provide his new address within thirty days.

DISPOSITION

other

CASES CITED

- *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
MATTHEW STEPHEN HEPPLER, Petitioner, v. No. 2:23-cv-00864-MV-KRS ATTORNEY
GENERAL FOR THE STATE OF NEW MEXICO Respondent. ORDER STAYING ANSWER
DEADLINE AND REQUIRING PETITIONER TO SHOW CAUSE This matter is before the

Court on Petitioner Matthew Stephen Hepple's ("Petitioner") 28 U.S.C. § 2254 habeas petition (Doc.

1) (hereinafter "Petition"). Petitioner was a state inmate when he commenced this case and is proceeding pro se. He challenges his state convictions based on, inter alia, double jeopardy violations. By an Order entered December 19, 2025, the Court directed Respondent Attorney General for the State of New Mexico ("AG") to answer the Petition within sixty days.

See (Doc. 7). Thereafter, one mailing was returned as undeliverable with a notation that forwarding was unavailable. See (Doc. 7). The Court Clerk searched the Federal Bureau of Prisons electronic database for "Matthew Stephen Hepple" and obtained zero results. Within thirty (30) days of entry of this Order, Petitioner must advise the Court of his new address, as required by N.M.

LR-Civ. 83.6. See *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure.... The same is true of simple, nonburdensome local rules....") (citations omitted). Failure to timely cure this deficiency may result in dismissal of the Petition without further notice.

The Court will also stay the answer deadline until further notice. IT IS ORDERED that within thirty (30) days of entry of this Order, Petitioner shall notify the Clerk of his new address; IT IS FURTHER ORDERED that the deadline for the AG to file an answer is STAYED until further Order by the Court. KEVIN R. SWEAZEA UNITED STATES MAGISTRATE JUDGE