

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Robert Vasquez v. New Mexico Department of Corrections; Servando Acosta; Angel Sanchez; Andres Sanchez; Janine Rodriguez; Alisha Tafoya-Lucero; German Franco; and Leon Martinez

Vasquez · No. 1:22-cv-00522-MIS-SCY · Decided December 17, 2025

SUMMARY

The United States District Court for the District of New Mexico denies Defendants Servando Acosta’s and Angel Sanchez’s motion to dismiss Robert Vasquez’s claims based on alleged continued abuse of the judicial process. The court concludes that Defendants failed to present clear and convincing evidence of bad-faith conduct warranting dismissal with prejudice and declines to impose lesser sanctions. The court reiterates prior warnings, denies Plaintiff’s request for attorney’s fees and costs, and sets firm deadlines for discovery and pretrial motions.

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	December 17, 2025
DOCKET	1:22-cv-00522-MIS-SCY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Servando Acosta and Angel Sanchez moved to dismiss the action with prejudice as a sanction for Plaintiff’s alleged continued abuse of the judicial process. The district court denied the motion and declined to impose lesser sanctions.
STANDARD OF REVIEW	A dismissal with prejudice as a sanction for abuse of the judicial process requires willfulness, bad faith, or some fault of the disobedient party; under the circumstances presented, the court required clear and convincing evidence of bad faith and considered the Ehrenhaus factors.
PRECEDENTIAL VALUE	unpublished

TOPICS

sanctions

motions to dismiss

civil procedure

attorney fees

civil rights

PRACTICE AREAS

civil procedure

civil rights

sanctions

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's alleged pattern of abusive litigation conduct warranted dismissal with prejudice under the court's inherent authority to sanction abuse of the judicial process.
2. Whether lesser sanctions should be imposed in lieu of dismissal.
3. Whether Plaintiff should receive attorney's fees and costs for responding to Defendants' motion.

HOLDINGS

1. Dismissal with prejudice was not warranted because Defendants failed to establish, by clear and convincing evidence, bad-faith conduct by Plaintiff or his counsel.
2. The court declined to exercise its discretion to impose lesser sanctions.
3. Plaintiff was not entitled to attorney's fees and costs for responding to Defendants' motion.

KEY QUOTATIONS

"Since "dismissal with prejudice 'defeats altogether a litigant's right to access to the courts,' it should be used as 'a weapon of last, rather than first, resort.'"" (at 2)

"The Court, however, finds the cases cited do not establish dismissal is warranted and Defendants fail to establish bad-faith conduct by Plaintiff or Plaintiff's counsel as required for dismissal with prejudice based on abuse of the judicial process." (at 3)

FACTUAL BACKGROUND

Defendants alleged that Plaintiff and his counsel engaged in a repeated pattern of abusive litigation practices, including pursuing claims without an arguable legal or factual basis, failing to address applicable legal standards, creating unnecessary work, violating court orders and warnings, and making misrepresentations. Plaintiff denied the alleged abuse and characterized the motion as retaliatory, asserting that his filings were good-faith efforts concerning discovery and procedural fairness. The court found that Defendants had not alleged or presented clear and convincing evidence establishing bad-faith conduct warranting dismissal.

PROCEDURAL HISTORY

During the pending federal civil-rights litigation, Defendants moved to dismiss based on alleged abusive litigation conduct, including allegedly frivolous claims, failure to apply legal standards, unnecessary litigation activity, violations of court orders, and misrepresentations. Plaintiff opposed the motion, and Defendants replied. The district court concluded that Defendants had not established the bad-faith conduct required for dismissal with prejudice and denied the motion.

DISPOSITION

dismissed

CASES CITED

- *Xyngular v. Schenkel*, 890 F.3d 868, 872-74 (10th Cir. 2018)
- *Chavez v. City of Albuquerque*, 402 F.3d 1039, 1044 (10th Cir. 2005)
- *Ehrenhaus v. Reynolds*, 965 F.2d 916, 920-21 (10th Cir. 1992)
- *Meade v. Grubbs*, 841 F.2d 1512, 1520 n.6 (10th Cir. 1988)
- *Becker v. Ute Indian Tribe of Uintah & Ouray Rsrv.*, No. 22-4022, 2023 WL 5051167, at *6 (10th Cir. Aug. 8, 2023)
- *United States v. Valenzuela-Puentes*, 479 F.3d 1220, 1228 (10th Cir. 2007)
- *Link v. Wabash R. R. Co.*, 370 U.S. 626, 633 (1962)
- *Green v. Dorrell*, 969 F.2d 915, 916-17 (10th Cir. 1992)
- *King v. Fleming*, 899 F.3d 1140, 1146, 1152 (10th Cir. 2018)
- *Lujan v. County of Bernalillo*, No. 8-CV-1125 WJ/DJS, 2010 WL 11530504, at *7-8 (D.N.M. June 7, 2010), *aff'd*, 446 F. App'x 973 (10th Cir. 2011)
- *Lujan v. County of Bernalillo*, No. 8-CV-1125 WJ/DJS, 2010 WL 11530478, at *6-7 (D.N.M. Oct. 8, 2010)

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