

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Allan Seager v. State of New Mexico, et al.

Seager · No. 24-cv-0194-SMD-KK · Decided January 21, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed Allan Seager’s 42 U.S.C. § 1983 action alleging malicious prosecution, false arrest, illegal search and seizure, and denial of a fair trial. The court had previously dismissed the complaint without prejudice and allowed amendment, but Seager failed to amend or otherwise respond by the deadline. The court dismissed the case without prejudice under 28 U.S.C. § 1915(e) and Federal Rule of Civil Procedure 12(b)(6).

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Sarah M. Davenport
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 21, 2026
DOCKET	24-cv-0194-SMD-KK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court sua sponte screened an incarcerated, pro se plaintiff's in forma pauperis 42 U.S.C. § 1983 complaint, dismissed it without prejudice for failure to state a cognizable claim, granted leave to amend, and then dismissed the action after plaintiff failed to amend or respond.
STANDARD OF REVIEW	The court conducted sua sponte review under 28 U.S.C. § 1915(e) and applied the Rule 12(b)(6) failure-to-state-a-claim standard.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- constitutional law
- remedies

QUESTIONS PRESENTED

1. Whether the court should dismiss the action after plaintiff failed to amend his § 1983 complaint as directed.
2. Whether dismissal without prejudice was appropriate under 28 U.S.C. § 1915(e) and Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. A court may dismiss an in forma pauperis § 1983 action for failure to state a cognizable claim when the plaintiff fails to amend after being given an opportunity and direction to cure pleading deficiencies.
2. The action should be dismissed without prejudice where the plaintiff failed to amend, the defendants had not appeared, and the defendants would not be prejudiced by dismissal without prejudice.

KEY QUOTATIONS

“IT IS ORDERED that this case, including each claim in Plaintiff’s Amended Prisoner Civil Rights Complaint (Doc. 5), is DISMISSED without prejudice for failure to state a cognizable claim under 28 U.S.C. § 1915(e) and Rule 12(b)(6); and the Court will enter a separate judgment closing the civil case.” (at 2)

FACTUAL BACKGROUND

Plaintiff, an incarcerated pro se litigant, alleged that he was framed for criminal sexual penetration of a child under thirteen after testifying against a police officer. He alleged that police arrested him six times, that a civilian impersonating a police officer searched his home, and that police planted a laptop in his room. He also alleged that a state judge failed to provide a fair trial. Plaintiff sought \$20 million in damages from the State of New Mexico, the Moriarty Police Department, and Judge Reynolds.

PROCEDURAL HISTORY

Plaintiff filed an in forma pauperis § 1983 complaint seeking \$20 million in damages from the State of New Mexico, the Moriarty Police Department, and Judge Reynolds. On November 24, 2025, the court dismissed the complaint without prejudice after screening, concluding that the defendants were not proper § 1983 defendants and that the allegations alternatively failed to show a constitutional violation and were time-barred. The court granted plaintiff 30 days to amend, but he neither amended nor showed cause for his failure. The court therefore dismissed the case without prejudice and directed that a separate judgment be entered.

DISPOSITION

dismissed

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Novotny v. OSL Retail Servs. Corp., 2023 WL 3914017, at *1 (10th Cir. June 9, 2023)

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