

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Serena Ruiz v. Brian Gottlieb

Ruiz · No. No. 2:26-cv-00239-KG-GJF · Decided March 17, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed Serena Ruiz’s pro se action against Brian Gottlieb without prejudice. The court dismissed the case for failure to comply with an order requiring an amended complaint and a long-form application to proceed without prepaying fees or costs, and denied the short-form application.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kenneth J. Gonzales
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 17, 2026
DOCKET	No. 2:26-cv-00239-KG-GJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the pro se plaintiff's action without prejudice sua sponte for failure to comply with an order requiring an amended complaint and a long-form application to proceed in forma pauperis. The court also denied the plaintiff's short-form in forma pauperis application.
PRECEDENTIAL VALUE	unknown
PARTIES	Serena Ruiz v. Brian Gottlieb

TOPICS

- motions to dismiss
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- federal civil litigation
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to comply with the order requiring an amended complaint and a long-form in forma pauperis application.
2. Whether Plaintiff's short-form application to proceed without prepaying fees or costs should be denied for failure to provide sufficient financial information.

HOLDINGS

1. The court may dismiss the action without prejudice because Plaintiff failed to comply with the magistrate judge's order to file an amended complaint and a long-form application to proceed in forma pauperis.
2. The short-form application to proceed without prepaying fees or costs is denied because it did not provide sufficient information to determine whether Plaintiff was unable to pay the required fees, and Plaintiff failed to submit the required long-form application.

KEY QUOTATIONS

“Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.” (at 2)

FACTUAL BACKGROUND

Plaintiff's complaint alleged that Defendant was tardy in adjudicating issues and sought mandamus relief requiring Defendant to resolve a backlog. The magistrate judge determined that the complaint failed to state a claim and ordered Plaintiff to amend it. Plaintiff also failed to provide sufficient financial information in the short-form in forma pauperis application and did not submit the required long-form application. Plaintiff filed neither the amended complaint nor the long-form application by the deadline, despite the Clerk's Office mailing the order to the correct address.

PROCEDURAL HISTORY

Plaintiff filed a complaint seeking mandamus relief and a short-form application to proceed without prepaying fees. A magistrate judge ordered Plaintiff to file an amended complaint and a long-form in forma pauperis application by February 24, 2026, warning that noncompliance could result in dismissal or denial. Plaintiff filed neither document, and the district court dismissed the case without prejudice and denied the short-form application.

DISPOSITION

dismissed

CASES CITED

- Gustafson v. Luke, 696 Fed. Appx. 352, 354 (10th Cir. 2017)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)

