

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Erik Irmiger v. Albertsons Companies, Inc.

Irmiger · No. 1:26-cv-00459-LF · Decided February 19, 2026

SUMMARY

This document is a Notice and Order Regarding Case Management issued by the United States District Court for the District of New Mexico in Irmiger v. Albertsons Companies, Inc. The order advises the pro se plaintiff of obligations concerning compliance with procedural rules, prosecution of the case, service of process, and Rule 11 representations and sanctions.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Laura Fashing
DECIDED	February 19, 2026
DOCKET	1:26-cv-00459-LF
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a notice and order regarding case management after Plaintiff filed his pro se complaint.
PRECEDENTIAL VALUE	Unknown
PARTIES	Erik Irmiger v. Albertsons Companies, Inc.

TOPICS

service of process sanctions pleadings civil procedure

PRACTICE AREAS

civil procedure federal litigation

QUESTIONS PRESENTED

1. What procedural obligations apply to a pro se plaintiff in prosecuting a federal civil action?
2. What consequences may follow from failure to prosecute, failure to comply with court rules or orders, failure to serve the defendant, or violation of Federal Rule of Civil Procedure 11?

HOLDINGS

1. A pro se litigant is held to the same standards of professional responsibility as a trained attorney and must comply with the Federal Rules of Civil Procedure and the Local Rules.
2. Plaintiff has an obligation to prosecute the case and comply with the Federal Rules of Civil Procedure, the Local Rules, and court orders; failure to do so may support dismissal, including sua sponte dismissal for failure to prosecute or comply.
3. Plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and for furnishing the necessary copies to the person who makes service.
4. By presenting a pleading, motion, or other paper, an unrepresented party certifies compliance with the factual, legal, and purpose-related requirements of Rule 11(b), and failure to comply may result in sanctions under Rule 11(c).

KEY QUOTATIONS

“Generally, pro se litigants are held to the same standards of professional responsibility as trained attorneys.”

“Plaintiff has an obligation to prosecute his case.”

“Plaintiff also has an obligation to serve Defendant.”

“Pro se status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure.”

FACTUAL BACKGROUND

Erik Irmiger, proceeding pro se, filed a complaint against Albertsons Companies, Inc. The court issued a case-management notice addressing Plaintiff's responsibilities in prosecuting the case, serving the Defendant, and making representations to the court.

PROCEDURAL HISTORY

Plaintiff filed a complaint on February 17, 2026. The court issued this case-management notice and order advising Plaintiff of his obligations to comply with the Federal Rules of Civil Procedure and the Local Rules, prosecute the action, serve Defendant, and comply with Rule 11.

DISPOSITION

other

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)
- Yang v. Archuleta, 525 F.3d 925, 927 n. 1 (10th Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO ERIK IRMIGER, Plaintiff, v. No. 1:26-cv-00459-LF ALBERTSONS COMPANIES, INC., Defendant. NOTICE AND ORDER REGARDING CASE MANAGEMENT THIS MATTER comes before the Court on pro se Plaintiff's Complaint, Doc. 1, filed February 17, 2026.

The Court notifies Plaintiff of the following regarding case management. Generally, pro se litigants are held to the same standards of professional responsibility as trained attorneys. It is a pro se litigant's responsibility to become familiar with and to comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of New Mexico (the "Local Rules").

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (October 2022). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court's website: <http://www.nmd.uscourts.gov>. Plaintiff has an obligation to prosecute his case. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action"); *Gustafson v. Luke*, 696 Fed.Appx.

352, 354 (10th Cir. 2017) ("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.") (quoting *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir.

2003)). Plaintiff also has an obligation to serve Defendant. See Fed. R. Civ. P. 4(c)(1) ("The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service").

Finally, the Court reminds Plaintiff of his obligations pursuant to Rule 11 of the Federal Rules of Civil Procedure. See *Yang v. Archuleta*, 525 F.3d 925, 927 n. 1 (10th Cir. 2008) ("Pro se status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure."). Rule 11(b) provides: Representations to the Court.

By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a

reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Fed. R. Civ. P. 11(b). Failure to comply with the requirements of Rule 11 may subject Plaintiff to sanctions, including monetary penalties and nonmonetary directives. See Fed. R. Civ. P. 11(c). IT IS SO ORDERED. fe Fashing / | nited States Magistrate Judg