

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Jack Sullivan v. Carmen Pacheco and Sergio Jimenez

No. 26-145 GBW · No. 2:26-cv-00145 · Decided January 27, 2026

SUMMARY

The United States District Court for the District of New Mexico orders pro se Plaintiff Jack Sullivan to cure deficiencies in his application to proceed in forma pauperis and to file an amended complaint. The Court explains that the complaint does not adequately state a claim because it lacks factual allegations identifying what each Defendant did, when the conduct occurred, how Plaintiff was harmed, and what legal right was violated. The Order also reminds Plaintiff of the requirements of the Federal and Local Rules of Civil Procedure and Rule 11.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 27, 2026
DOCKET	2:26-cv-00145
DISPOSITION	other
PROCEDURAL POSTURE	The court reviewed a pro se plaintiff's initial civil-rights complaint and short-form application to proceed in forma pauperis. Rather than dismissing the action at this stage, the court ordered Plaintiff to submit a long-form in forma pauperis application and an amended complaint.
STANDARD OF REVIEW	The court screened the initial pro se pleading for sufficiency and applied the Federal Rules of Civil Procedure governing pleading content and compliance with court orders.
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	Jack Sullivan v. Carmen Pacheco, Sergio Jimenez

TOPICS

- pleadings
- motion to amend
- section 1983
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff's short-form application to proceed in forma pauperis provided sufficient information to establish inability to pay filing fees.
2. Whether Plaintiff's complaint stated a claim under 42 U.S.C. § 1983 when it did not explain what each Defendant did, when the conduct occurred, how Plaintiff was harmed, or what specific legal right was violated.
3. What pleading information Plaintiff was required to include in an amended complaint.

HOLDINGS

1. The short-form application did not provide sufficient information for the court to determine whether Plaintiff was unable to pay the required fees, so Plaintiff was required to file the long-form application within 21 days.
2. The complaint failed to state a claim upon which relief could be granted because it did not identify the actions of each Defendant, when those actions occurred, how they harmed Plaintiff, or the specific legal right allegedly violated.
3. Plaintiff was ordered to file an amended complaint identifying where the events or omissions occurred, where each Defendant resides, and facts and claims complying with the Federal and Local Rules of Civil Procedure.

KEY QUOTATIONS

“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when [each] defendant did it; how [each] defendant’s action harmed him or her; and, what specific legal right the plaintiff believes [each] defendant violated.” (Order § II)

“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.” (Order § III)

FACTUAL BACKGROUND

Plaintiff alleged only that 42 U.S.C. § 1983 provided a basis for relief, that both Defendants delayed proceedings in violation of § 1983, and that the amount in controversy exceeded \$75,000. Plaintiff also submitted a short-form application to proceed without prepaying fees, but the application lacked sufficient information for the court to determine whether he was unable to pay the filing fees.

PROCEDURAL HISTORY

Plaintiff filed the complaint and short-form in forma pauperis application on January 23, 2026. The court determined that the short-form application did not provide sufficient financial information and that the complaint failed to state a claim because it did not identify the conduct of each defendant, when the conduct occurred, how Plaintiff was harmed, or what legal right was violated. The court ordered Plaintiff to cure both deficiencies within 21 days of entry of the order.

DISPOSITION

other

CASES CITED

- Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Gustafson v. Luke, 696 F. App'x 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

Sullivan

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

JACK SULLIVAN,

Plaintiff, v. No. 26-145 GBW CARMEN PACHECO and

SERGIO JIMENEZ,

Defendants.

ORDER TO CURE DEFICIENCY

AND ORDER FOR AMENDED COMPLAINT

THIS MATTER comes before the Court on pro se Plaintiff's Complaint, Doc. 1, filed January 23, 2026, and Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form), Doc. 2, filed January 23, 2026 ("Short Form Application"). I. Order to Cure Deficiency Plaintiff filed a motion to proceed in forma pauperis using a Short Form Application. The Short Form Application does not provide sufficient information for the Court to determine whether a plaintiff is unable to pay the required fees. The Court requires plaintiffs seeking to proceed without prepaying fees to file the Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) ("Long Form Application"). The Court Orders Plaintiff to file a Long Form Application within 21 days of entry of this Order. Failure to timely file a Long Form Application or failure to follow all instructions in the Long Form Application may result in denial of the motion to proceed in forma pauperis. II. Order for Amended Complaint The only factual allegations in the Complaint state:

1. 42 U.S.C. 1983 provides that [quoting Section 1983],
2. Both Defendants delayed the proceedings, in violation of 42 U.S.C. 1983,
3. The amount in controversy is more than \$75,000, the actual amount

is to be decided by jury. Doc. 1 at 1. The Complaint fails to state a claim upon which relief can be granted. “[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when [each] defendant did it; how [each] defendant’s action harmed him or her; and, what specific legal right the plaintiff believes [each] defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007) (emphasis added). The Court orders Plaintiff to file an amended complaint. The amended complaint must state where the events or omissions giving rise to Plaintiff’s claims occurred and where each Defendant resides. The amended complaint must also comply with the Federal and Local Rules of Civil Procedure. See, e.g., Fed. R. Civ. P. 8(a) (a complaint must contain a short and plain statement of the grounds for the Court’s jurisdiction, a short and plain statement of the claims showing that Plaintiff is entitled to relief, and a demand for the relief sought); Fed. R. Civ. P. 10(b) (“A party must state its claims or defenses in numbered paragraphs[.]”).

III. 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 (Oct. 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>. Failure to comply with Court Orders and the Federal and Local Rules of Civil Procedure interferes with the judicial process and may result in monetary and non- monetary sanctions including filing restrictions and dismissal of this 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 F. App’x 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)).

IV. Compliance with Rule 11 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 ORDERED that: (i) Plaintiff shall, within 21 days of entry of this Order, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). Failure to timely file a Long Form Application or failure to follow all instructions in the Long Form Application may result in may result in denial of the motion to proceed in forma pauperis. (ii) | The Clerk shall send to Plaintiff, together with a copy of this Order, an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).” (iii) Plaintiff shall, within 21 days of entry of this Order, file an amended complaint. Failure to timely file an amended complaint may result in dismissal of this case. 5 Sows

CHIEF UNITED STATES MAGISTRATE JUDGE