

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

**Robert Wolf v. Timothy Hatch; John Sanchez; Kristal Rivera;
Cheryl Doren; and Carl Wilkens**

Civ. No. 23-1120 JCH/SCY · No. Civ. No. 23-1120 JCH/SCY · Decided February 25, 2026

SUMMARY

The United States District Court for the District of New Mexico adopted the magistrate judge’s proposed findings and recommended disposition. The court denied the pro se plaintiff’s motion to reconsider dismissal for failure to exhaust, while clarifying that certain First Amendment and due process claims concerning rejected books and publications remained pending.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
ROBERT WOLF, Plaintiff, v. Civ. No. 23-1120 JCH/SCY TIMOTHY HATCH; JOHN SANCHEZ; KRISTAL RIVERA; CHERYL DOREN; and CARL WILKENS, Defendants.
ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) entered on December 16, 2025.

Doc. 46. The Court has reviewed the PFRD, Plaintiff’s Motion Requesting the Court to Reconsider Dismissal of Plaintiff’s Complaint for Failure to Exhaust (Doc. 44), and Defendants’ response to the motion (Doc. 45). As a threshold matter, upon review of Plaintiff’s motion to reconsider it appears that Plaintiff, is who proceeding pro se, is under the impression that his entire case has been dismissed.

However, that is not the case. As this Court noted in its Order (Doc. 43) entered September 9, 2025, the Court denied Defendants’ motion for summary judgment on Plaintiff’s First Amendment and due process claims regarding rejections of books and publications on March 30, 2022 (related to Prison Legal News); April 16, 2022; May 10, 2022; June 2, 2023; and June 14, 2023.

Those claims—and those claims only—remain pending. In his PFRD, Judge Yarbrough recommends that the Court deny Plaintiff’s motion to reconsider. *Id.* at 3. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition.

See *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough’s findings and

recommendation. IT IS THEREFORE ORDERED THAT: 1.

The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 46); and 2. DENIES Plaintiffs Motion Requesting the Court to Reconsider Dismissal of Plaintiff's Complaint for Failure to Exhaust (Doc. 44). IT IS SO ORDERED. Neo RC oe RIBGE