

FILED

FEB 08 2018

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

DAVID DERRINGER,

Plaintiff-Appellant,

vs.

No Ct. App. number assigned  
Bernalillo County  
D-202-CV-2018-00514

ISIDRO SAENZ a/k/a ISIDRO RUIS,

Defendant-Appellee.

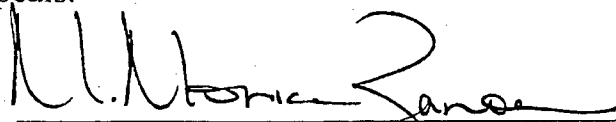
ORDER

This matter is before the Court on Appellant's request for free process on appeal. Appellant has filed a docketing statement and a ten-page notice of appeal, both of which are replete with baseless and vituperative accusations of criminal conduct on the part of two district-court judges as well as this Court and, for that matter, the entire New Mexico judiciary. As just one example, the heading of the notice of appeal states that the district court engaged in "sedition, treason, and RICO violations" in denying free process to Appellant below. We have previously refused to consider, in a different appeal, documents submitted by Appellant containing similar accusations.[copy of order attached] Once again, we will not entertain any pleading Appellant might submit that contains unsupported accusations of illegal

1 behavior or other misconduct by this Court or any member of the New Mexico  
2 judiciary.

3 Contrary to Appellant's contentions, he does not have an unrestricted right of  
4 access to the courts, *see In re Mokiligon*, 2005-NMCA-021, ¶ 10, 137 N.M. 22, 106  
5 P.3d 584; *see also Winslow v. Hunter*, 17 F.3d 314, 315 (10th Cir. 1994) ("The right  
6 of access to the courts is neither absolute nor unconditional[.]"), and he has abused  
7 his free-process privileges many times in the past. Completely rejecting the pleadings  
8 Appellant attempts to file is a drastic step, but it is necessary given his practice of  
9 filling those pleadings with ad hominem accusations of racism, conspiracy, and other  
10 criminal conduct on the part of the judiciary. We therefore refuse to consider  
11 Appellant's notice of appeal or docketing statement, and they will be returned to him  
12 without substantive review by this Court.

13 **IT IS THEREFORE ORDERED** that Appellant's notice of appeal and  
14 docketing statement be, and hereby are, **REJECTED** and will not be filed. In  
15 addition, **IT IS HEREBY ORDERED** that Appellant's application for free process  
16 is **DENIED** without prejudice. Should Appellant comply with our requirements and  
17 submit documents that are not rejected for filing, the free-process issue will be re-  
18 visited in accordance with our previous orders, under which free process will not be  
19 granted for frivolous or vexatious appeals.

20   
21 **M. MONICA ZAMORA, Judge**

1           **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2           **DAVID DERRINGER,**

COURT OF APPEALS OF NEW MEXICO  
ALBUQUERQUE  
FILED

3                   **Plaintiff-Appellant,**

FEB 16 2016

*Must Be*

4                   **vs.**

No.

5                   **Bernalillo County**

6                   **D-202-CV-2014-05329**

7           **IGNACIO SANCHEZ,**

8  
9                   **Defendant-Appellee.**

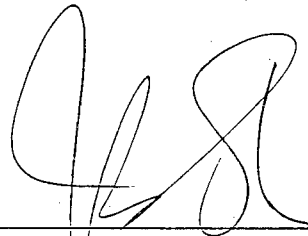
10 \_\_\_\_\_ /  
11                                   **ORDER**

12           This matter is before the Court on Appellant's motion for rehearing. In our last  
13 order, denying Appellant's request for free process, we warned Appellant that we  
14 would no longer consider any pleading he might submit that contains unsupported  
15 accusations of illegal behavior or other misconduct by this Court, any member of the  
16 New Mexico judiciary, or opposing parties or counsel. Despite this warning, the front  
17 page of Appellant's motion for rehearing accuses this Court of committing a federal  
18 RICO violation under the Organized Crime Control Act; accuses the New Mexico  
19 judiciary in general of "outrageous attacks including attempted murder"; and claims  
20 that if the federal Department of Justice performed a complete investigation, a "very  
21 large percentage of New Mexico justices would be indicted for Constitutional

1 violations, violations of Oath, bribery, RICO violations, and facilitating and being an  
2 accessory to multiple criminal acts . . . .”


3 Appellant’s submission is obviously in violation of our previous order. We  
4 therefore decline to consider that submission, and it will be returned to Appellant  
5 unread. *Cf. In re Mokiligon*, 2005-NMCA-021, ¶ 10, 137 N.M. 22, 106 P.3d 584; *see*  
6 *also Winslow v. Hunter*, 17 F.3d 314, 315 (10th Cir. 1994) (“The right of access to  
7 the courts is neither absolute nor unconditional . . . .” (alteration, internal quotation  
8 marks, and citation omitted)).

9 **IT IS THEREFORE ORDERED** that no consideration will be given to  
10 Appellant’s motion for rehearing, and that it be returned to Appellant.

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12 

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**JONATHAN B. SUTIN, Judge**

  
Joey D. Moya

1        **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2                                **July 26, 2018**

3        **NO. S-1-SC-37147**

4        **DAVID DERRINGER,**

5                Petitioner,

6        v.

7        **ISIDRO SAENZ,**  
8        **a/k/a ISIDRO RUIS,**

9  
10               Respondent.

11                                **ORDER**

12               WHEREAS, this matter came on for consideration by the Court upon  
13        petitioner's application for free process, and the Court having considered the  
14        application and being sufficiently advised; Justice Charles W. Daniels, Justice  
15        Barbara J. Vigil, and Justice Gary L. Clingman concurring;

16               NOW, THEREFORE, IT IS ORDERED that the application for free process  
17        is DENIED;

18               IT IS FURTHER ORDERED that petitioner shall pay the one hundred  
19        twenty-five dollar (\$125.00) docket fee required under NMSA 1978, Section 34-2-  
20        5 (2003), and Rules 12-309(B) and 12-504(B) NMRA before his petition may be  
21        submitted to the Court for consideration; and

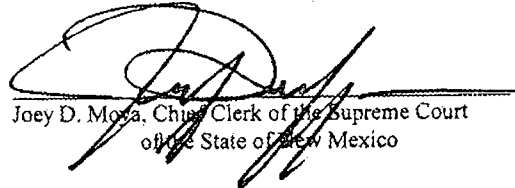
22               IT IS FURTHER ORDERED that failure to pay the docket fee within fifteen

1 (15) days of the date of this order will result in the dismissal of this proceeding.

2 IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,  
Chief Justice of the Supreme Court of the State of  
New Mexico, and the seal of said Court this 26th day  
of July, 2018.

  
Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

3 I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed.

Joey D. Moya  
Chief Clerk of the Supreme Court  
of the State of New Mexico

  
Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

August 16, 2018

NO. S-1-SC-37116

DAVID DERRINGER,

Petitioner,

v.

ISIDRO SAENZ,  
a/k/a ISIDRO RUIS,

Respondent.

ORDER

WHEREAS, it is appearing to the Court that a motion for free process was denied on July 26, 2018, and no further entry has been made on the docket;

NOW, THEREFORE, IT IS ORDERED by the Court, on its own motion, that this matter is hereby dismissed for failure to perfect the appeal.

IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,  
Chief Justice of the Supreme Court of the State of  
New Mexico, and the seal of said Court this 16th day  
of August, 2018.

Joey D. Moya, Clerk of Court  
Supreme Court of New Mexico

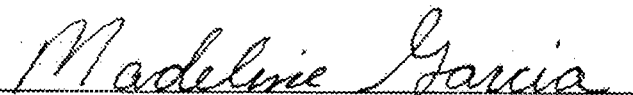
I CERTIFY AND ATTEST:

A true copy was served on all parties  
or their counsel of record on date filed.

Madeline Garcia

Clerk of the Supreme Court  
of the State of New Mexico

By



Clerk of the Supreme Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**