

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RE: DAVID DERRINGER'S PETITION FOR FILING
NOTICE OF REMOVAL OF ACTION OF STATE COURT
PROCEEDING (Derringer v. F.E. Baxter, et al., CV 07-6606,
Second Judicial District Court, County of Bernalillo,
State of New Mexico) IN FEDERAL DISTRICT COURT

No. 08-MC-24 WJ

ORDER DENYING AUTHORIZATION FOR FILING

THIS MATTER is before the Court on *pro se* litigant David Derringer's ("Derringer") proposed Petition for Notice of Removal of Action, Derringer v. F. E. Baxter, et al., CV 07-6606 (Second Judicial District Court, County of Bernalillo, State of New Mexico. Derringer submitted a request to this Court to approve for filing his notice of removal of the state court proceeding to federal district court.

Due to a history of frivolous and vexatious litigation, Derringer was enjoined from filing new lawsuits in the United States District Court for the District of New Mexico. See Derringer v. Chapel et al., CIV 03-804 WJ/RHS [Doc. 46].¹ The Injunction entered in the United States District Court prohibits Derringer from filing new lawsuits unless he is represented by licensed counsel admitted to practice before the U.S. District Court which certifies that, based on the attorney's review of the proposed complaint, it states a cause of action and meets the pleading requirements of Fed. R. Civ. P. 8 and the factual predicate requirements of Fed. R. Civ. P. 11. Contingent on meeting the

¹So, too, due to the same pattern of frivolous litigation, Derringer is enjoined from filing lawsuits before the Seventh Judicial District State Court. See Derringer Litigation, No. Civ. 94-10 (Seventh Judicial District Court, Socorro County, State of New Mexico) (a more specific caption is not available as the matter has been archived in the Seventh Judicial District Court).

judicial officer's entitlement to absolute immunity. Stump v. Sparkman, 435 U.S. 349, 362-63 (1978), *reh'g denied*, 436 U.S. 915 (1978); Lyghtle v. Breitenbach, 139 F. App'x 17, 2005 WL 1178090 at *2 (10th Cir. May 19, 2005).

Based on a review of Derringer's Petition, the Court determines that the complaint cannot be removed, as the removal is in violation of 18 U.S.C. § 1146; that Derringer seeks to proceed in the United States District Court on a frivolous and meritless claim; that, notwithstanding his certification to the contrary, the proposed removal is violative of Rules 8 and 11 of the Federal Rules of Civil Procedure.

Accordingly, the Court having determined that Derringer failed to satisfy the requirements set forth in the Injunction Restricting Plaintiff David Derringer from Filing Future Lawsuits (Doc. 46), Derringer's Petition for Filing the Notice of Removal is hereby **DENIED** and his case is **REMANDED** back to the Second Judicial District Court, County of Bernalillo, State of New Mexico.

SO ORDERED.


UNITED STATES DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/21/2024 8:50 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT

No. D-202-CV-2023-09874

DAVID DERRINGER,

Plaintiff,

v.

BARCLAYS BANK, WESTERN ALBUQUERQUE
LAND HOLDINGS LLC, TED GARRETT,

Defendants.

**ORDER DISMISSING ALL CLAIMS WITH PREJUDICE AND CANCELLING
NOTICE OF LIS PENDENS**

THIS MATTER came before the Court upon two motions, Defendants Western Albuquerque Land Holdings, LLC, and Ted Garrett's Motion to Dismiss Complaint and for Entry of Order Cancelling Notice of Lis Pendens and Defendant Barclays Capital Real Estate, Inc.'s Motion to Dismiss and Joinder in Codefendants' Motion to Dismiss. On February 23, 2024, the Court entered an Order stating that Plaintiff David Derringer had twenty (20) days to retain and have legal counsel enter an appearance on his behalf and request a hearing with this Court, and that if counsel on behalf of Mr. Derringer did not enter an appearance on or before that deadline, the Court would grant both motions to dismiss, cancel the notice of lis pendens, and close and dismiss this case. The 20-day period has since expired and no counsel has entered an appearance on behalf of Mr. Derringer.

The Court, in addition, takes judicial notice of the Administrative Order filed by the Chief Judge and Presiding Civil Judge of the Second Judicial District Court, D-202-MS-2024-00010, *In the Matter of Prohibiting David Derringer from Filing Any Further*

ANY VIOLATION OF THIS ORDER IS SUBJECT TO CIVIL
CONTEMPT AND COULD RESULT IN SEVERE SANCTIONS UP TO
AND INCLUDING FINES AND JAIL TIME. THIS ORDER SHALL
HAVE THE FULL FORCE AND EFFECT OF LAW.

Lawsuits/Pleadings Without Obtaining Prior Permission from the Court, entered March 7,
2024. [ebo]

IT IS THEREFORE ORDERED:

1. The two motions to dismiss are granted with prejudice.
2. The Claim of Lis Pendens filed as Doc# 2024000411 with the Bernalillo County Clerk on January 3, 2024, is cancelled and released.
3. The Bernalillo County Clerk is authorized and directed to record this Order, which shall serve as constructive notice of the cancellation and release of the Claim of Lis Pendens referenced above.
4. Counsel shall mail a copy of this Order to the *pro se* Plaintiff within 5 business days of entry of this Order. [ebo]


ERIN B. O'CONNELL
DISTRICT COURT JUDGE

Submitted By:

PEIFER, HANSON, MULLINS & BAKER, P.A.

By: /s/ Gregory P. Williams

Mark T. Baker

Gregory P. Williams

P.O. Box 25245

Albuquerque, NM 87125-5245

(505) 247-4800

mbaker@peiferlaw.com

gwilliams@peiferlaw.com

*Attorneys for Defendants Western Albuquerque Land
Holdings and Ted Garrett*

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
11/6/2023 11:41 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID DERRINGER,

Plaintiff,

D-202-CV-2023-05227

v.

NEW MEXICO LIVESTOCK BOARD,
BENJAMIN BENAVIDEZ JR.,
BENAVIDEZ RANCH, OFFICER MANUEL
MONTE, OFFICER JUSTIN GRAY,
MANUEL MONTE, in his Individual Capacity,
JUSTIN GRAY, in his Individual Capacity,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Before the Court is *Plaintiff's Motion for Default Judgment* (Motion), filed August 10, 2023. The Court, having considered the briefing, determining no hearing is necessary,¹ and being sufficiently advised, finds that the Motion is not well taken and is DENIED.

For the reasons stated in Defendants' Response, the Motion is **DENIED**.

SO ORDERED.

¹ The Court has determined no hearing is necessary. The Court in its discretion may rely upon the pleadings filed in this matter if the written submissions are sufficient to resolve the matters presented. *See National Excess Insurance Co. v. Bingham*, 1987-NMCA-109, ¶ 9, 106 N.M. 325, 742 P.2d 537 (recognizing motions may be resolved by the district court without oral argument provided there is an adequate opportunity for written response to the arguments presented); *Flagstar Bank v. Licha*, 2015-NMCA-086, ¶¶ 28 & 29, 356 P.3d 1102 (stating no authority requires district court to hold a hearing on motions). *See also* LR 2-119(E) NMRA.

ENDORSED
FILED IN MY OFFICE THIS

DEC - 8 2023

CLERK DISTRICT COURT

DYANNA GARCIA

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

Plaintiff,

v.

Defendant.

No. CV 2023 0 9 8 7 8

TEMPORARY RESTRAINING ORDER

THIS MATTER came before the Court on Application for Temporary Restraining Order,
The Court, being fully advised in the premises, FINDS:

☐ Immediate and irreparable injury will result to the Plaintiff(s) if a restraining order is not issued immediately, as requested by Plaintiff(s). No notice need be given to Defendant(s) as required by the Rules of Civil Procedure. There are good grounds to show a preliminary injunction may be needed in this case. This Order shall be effective for a period of ten days unless extended or modified.

☐ This Order shall be issued ☐ with ☐ without the requirement of a bond or other security.

☒ There are insufficient grounds presented for the issuance of a Temporary Restraining Order.

IT IS THEREFORE ORDERED that:

Plaintiff(s) shall immediately arrange for personal service of endorsed copies of the **Verified Application for Restraining Order and this Temporary Restraining Order** on Defendant(s) as required by the Rules of Civil Procedure. The following prohibitions apply to actions and conduct, whether direct or indirect (acting through others).

☒ The Motion for Temporary Restraining Order is denied.

☒ Defendant(s) not threaten, harm, harass, or annoy Plaintiff(s);

☐ Defendant(s) not threaten, harm, harass, or annoy Plaintiff(s) or Plaintiffs (their) family and household members as named herein: _____

☐ Defendant(s) stay at least _____ yards away from Plaintiff(s) and from Plaintiffs (their) residence(s), workplace(s) and children's school(s);

☐ Defendant(s) not telephone Plaintiff(s) or contact Plaintiff(s) in any way;

☐ Defendant(s) not block Plaintiff(s) in public places or roads;

☐ Further, Defendant(s) is (are) ordered not to do the following:

☐ Due to good cause shown, no bond or other security is required.

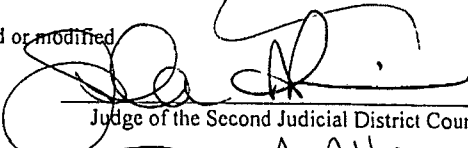
OR ☐ Plaintiff(s) will furnish the following security/bond as required by the Rules of Civil Procedure:

IT IS FURTHER ORDERED that Defendant(s) appear at a hearing before the Court

on _____ 20____, at _____ am/pm in the Courtroom of the Honorable Judge _____, Second Judicial District Court, 400 Lomas NW (located at Lomas and 4th), Albuquerque, New Mexico, to give reasons or otherwise explain to the Court why the Temporary Restraining Order should not be extended or another order entered, or why the Temporary Restraining Order should be dissolved or modified.

Date Issued: 12/8/03

Time issued: 4:04 p.m.


Judge of the Second Judicial District Court

Isabel A. Allison
for Division IV

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
12/15/2023 11:02 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

DAVID DERRINGER,

Plaintiffs,

v.

No. D-202-CV-2023-09552

BENJAMIN BENAVIDEZ JR,

Defendant.

**ORDER DENYING APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND
SETTING FOR HEARING**

THIS MATTER came before the Court on Plaintiff's *Verified Application for Restraining Order*, filed December 14, 2023. The Court having reviewed the Application and being sufficiently advised, FINDS:

1. There is jurisdiction over the parties and the subject matter.
2. "[I]njunctions are harsh and drastic remedies which should issue only in extreme cases of pressing necessity and only where there is [a showing of immediate and irreparable injury for which there is] no adequate and complete remedy at law." *Luginbuhl v. City of Gallup*, 2013-NMCA-053, ¶ 31, 302 P.3d 751 (internal quotation marks and citation omitted).
3. The Court finds the evidence insufficient for entry of a temporary restraining order. The Court finds that the facts and circumstances do not establish that Plaintiff will suffer immediate and irreparable injury. The immediacy and irreparable injury requirement must be established to support this Court issuing an *ex parte* Temporary Restraining Order.
4. While this Court does not have sufficient information to enter an *ex parte* Temporary Restraining Order, Plaintiff's verified allegations may support relief of the Court after service of

process on Defendant and an evidentiary hearing before the Court.

It is therefore ORDERED:

1. The issuance of an *ex parte* Temporary Restraining Order is DENIED.
2. THIS MATTER will come before the Honorable Daniel E. Ramczyk for a hearing to consider the issuance of a restraining order. The hearing is set for Tuesday, December 26, 2023, at 9:00 a.m., in Courtroom 616, at the Second Judicial District Court, Bernalillo County Courthouse, 400 Lomas NW, Albuquerque, New Mexico. Thirty (30) minutes are allotted for the proceeding. Plaintiff shall, at the hearing, give reasons or otherwise explain to the Court why a restraining order should be entered based on the allegations in the verified Application. Based on Plaintiff's allegations, Defendant shall, at the hearing, respond to Plaintiff's allegations or otherwise explain to the Court why no restraining order should be entered.
3. Plaintiff is responsible for service of the Verified Application for Restraining Order and this Order on the Defendant promptly and prior to the scheduled hearing. If Defendant is not served with these documents, and proof of service filed into the record prior to the hearing, the hearing will be canceled and this case will be dismissed.

IN THE EVENT ANY PARTY BELIEVES A CRIME HAS BEEN OR IS ABOUT TO BE COMMITTED, THE PARTY SHOULD IMMEDIATELY CONTACT LAW ENFORCEMENT AND THE BERNALILLO COUNTY DISTRICT ATTORNEY'S OFFICE.

CERTIFIED AS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILED IN MY OFFICE,
Clerk of the District Court.

By: [Signature] Date: 12/15/2023
Deputy Clerk
December 15, 2023

[Signature]
JUDGE DANIEL E. RAMCZYK
DIVISION VI

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
12/21/2023 10:03 AM
KATINA WATSON
CLERK OF THE COURT
Marissa Marquez

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

DAVID DERRINGER,
Plaintiff,

v.

No. D-202-CV-2023-09552

BENJAMIN BENAVIDEZ, JR.,
Defendant.

NOTICE VACATING HEARING

The Motion hearing scheduled for **December 26, 2023 at 9:00 a.m.** before Judge Ramczyk has been vacated.


AUDRA VIGIL, TCAA

Notice mailed or delivered on date of
filing to parties listed on attached sheet

PARTIES ENTITLED TO NOTICE:

David Derringer
Box 7431
Albuquerque, NM 87194
Plaintiff

Benjamin Benavidez Jr.
9701 Volcanes NW
Albuquerque, NM 87121
Defendant


Cynthia A. Hernandez-Madrid
Acting Chief Clerk

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

DAVID DERRINGER,

Plaintiff-Appellant,

v.

No. A-1-CA-41649

NEW MEXICO LIVESTOCK
BOARD, BENJAMIN BENAVIDEZ JR.,
BENAVIDEZ RANCH, OFFICER
MANUEL MOTE, OFFICER JUSTIN GRAY,
MANUEL MONTE (as an individual NM
citizen precluded attorney
representation by use of NM tax dollar
fee payment), JUSTIN GRAY (as an
individual NM citizen precluded
attorney representation by use of
NM tax dollar fee payment),

Defendants-Appellées.

ORDER DENYING MOTION FOR DISBARMENT

This Court has considered Appellant's motion for disbarment. No response was filed to Appellant's motion and the time for doing so has now run.

Having given due consideration to Appellant's motion, this Court notes that it has no authority to order the disbarment, prosecution, or discipline of a district court judge and Appellant does not establish otherwise.

THE COURT ORDERS THAT the motion is DENIED.


KRISTINA BUGARDUS, Judge

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
1/9/2024 9:42 AM
KATINA WATSON
CLERK OF THE COURT
Amanda Jimenez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID DERRINGER,

Plaintiff,

v.

D-202-CV-2023-09552

BENJAMIN BENAVIDEZ JR.,


Defendant.

ORDER DENYING EMERGENCY MOTION FOR PERMANENT INJUNCTION

A Verified Application for Restraining Order against Defendant was filed December 14, 2023. The Application for Restraining Order was **DENIED** on December 15, 2023, as it was not clear from the specific facts asserted in the Application that immediate and irreparable injury, loss or damage will result to the Plaintiff. (See Rule 1-066 (B) NMRA). Then on December 27, 2023, the Plaintiff filed an Emergency Motion for Permanent Injunction (hereinafter "Motion") in the same matter naming the same Defendant and citing similar facts. This motion is also **DENIED** as the specific facts asserted in this Motion do not illustrate that immediate and irreparable injury, loss or damage will result to the Applicant. (See Rule 1-066 (B) NMRA)

If Plaintiff fears that immediate and irreparable injury, loss or damage may occur to him, he is to call 9-1-1 for the Albuquerque Police Department or contact the Bernalillo County Sheriff's Office.

IT IS SO ORDERED.


The Honorable Denise Barela Shepherd
District Court Judge

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
11/17/2023 9:50 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT COURT

D-202-CV-2022-03437

DAVID DERRINGER,

Plaintiff(s)

V.

STATE OF NEW MEXICO, et al.

Defendant(s)

DISPOSITION ORDER FOR LACK OF PROSECUTION

THIS MATTER having come before the Court on its own motion, it appearing that no significant action has been taken in 180 or more days in connection with any and all pending claims,

IT IS THEREFORE ORDERED that all pending claims are dismissed without prejudice. Within thirty (30) days after service of this order, any party may move for reinstatement. If other parties have filed an appearance, movant shall comply with Rule 1-007.1 NMRA. Failure to comply with these requirements will result in the denial of the motion without hearing.

IT IS FURTHER ORDERED that all writs, judgments, final orders, or stipulations previously filed herein shall remain in full force and effect unless otherwise ordered.


Judge Lisa Chavez Ortega
District Court Judge

I, the undersigned employee of the District Court of Bernalillo County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below and to all parties listed in the Odyssey E-File and Serve System.

By: /s/
Dominic Sandoval
Security Bailiff DIV XIII

DAVID DERRINGER
BOX 7431
ALBUQUERQUE, NM 87194

DEC 12 2023

Mr. Derringer

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT COURT

David Derringer,
Plaintiff,

CV-2022-03437

V.

State of New Mexico, Bernalillo County Sheriff Department, Valencia County Sheriff Department, New Mexico State Police, Francisco "Cisco" Lovato (as an individual), Kym M. Damazyn, Mier Pedro, Ramon Manquero, Dennis Chavez, Southwest Event Center LLC, D.C. Livestock Auction, Southwest Livestock Auction, Benjamin Benavidez Jr., Benavidez Ranch,
Defendants,

PLAINTIFF'S TIMELY NOTICE OF APPEAL

COMES NOW the Plaintiff, David Derringer, representing himself Pro-Se with his timely notice of appeal to the entire actions of Judge Ortega being fraud on the court, violations of 18 USC 241, 242, 1503, 1505, 2381 and RICO. Judge Ortega as sustained by court docket never has jurisdiction or judicial capacity of this case since RECUSED on August 23, 2022. Hence, all actions were in embezzlement of the \$150.00 Derringer paid for a jury, illegal hearings allowing in fraud for some Defendant's attorneys to give evidence and testimony without the Plaintiff present and vile actions maliciously to rig the case against the Plaintiff to protect state employees doing criminal acts and to protect the invading Mexican National Sinaloa Cartel providing bribes, cocaine, methamphetamines, fentanyl and minor illegal alien children for the judges and elite politicians as pedophiles in New Mexico. [Exhibit 1] every action of judge Ortega is legally mute and in fundamental error. Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc., 616 F.2d 833, 837 (11th Cir. 1980); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949). NMRA Rule 060 other reasons.

Respectfully submitted by

David Derringer

David Derringer, Pro-Se, Box 7431, Albuquerque, New Mexico 87194
Certificate of Service 12-6-2023

I hereby certify the I sent by first class mail a copy of this pleading filed to the Court;
Second Judicial District Court 400 Lomas NW Albuquerque, NM 87102
I further certify that I mailed a copy of this Motion to the following attorneys on this date.
Carlos Quinones 1223 S. Saint Francis Dr. Ste. C Santa Fe, NM 87505

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
11/6/2023 11:43 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID DERRINGER,

Plaintiff,

D-202-CV-2023-05227

v.

NEW MEXICO LIVESTOCK BOARD,
BENJAMIN BENAVIDEZ JR.,
BENAVIDEZ RANCH, OFFICER MANUEL
MONTE, OFFICER JUSTIN GRAY,
MANUEL MONTE, in his Individual Capacity,
JUSTIN GRAY, in his Individual Capacity,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR SANCTIONS
AND
ORDER DENYING PLAINTIFF'S MOTIONS FOR RECUSAL
AND
ORDER ENJOINING PLAINTIFF FROM ANY FUTURE FILINGS IN THIS CASE
WITHOUT COURT APPROVAL**

Before the Court is *Plaintiff's Motion for Sanctions*, filed August 29, 2023, *Plaintiff's Motion for Recusal*, filed October 3, 2023, and *Plaintiff's Motion for Removal of Judge*, filed October 18, 2023. The Court, having considered the motions, determining no hearing is necessary,¹ and being sufficiently advised, finds that the Motions are not well taken and are **DENIED**. Further, Plaintiff David Derringer may not file any further motions, papers, documents or pleadings in this case absent express permission by this Court.

¹ The Court has determined no hearing is necessary. The Court in its discretion may rely upon the pleadings filed in this matter if the written submissions are sufficient to resolve the matters presented. *See Flagstar Bank v. Licha*, 2015-NMCA-086, ¶¶ 28 & 29, 356 P.3d 1102 (stating no authority requires district court to hold a hearing on motions). *See also* LR 2-119(E) NMRA.

Plaintiff's Motion for Sanctions provides no legal or factual basis to issue sanctions, and Plaintiff's Motions for recusal of this judge similarly provide no legal or factual basis to support recusal. The Motions are **DENIED**.

Further, this Court has determined, based on the litany of papers filed by Plaintiff in this matter, that Plaintiff is a vexatious litigant and shall be prohibited from filing any additional pleadings or documents, of any kind, in this case, absent express permission by this Court. "[T]he district court [has] authority to enjoin future vexatious and oppressive litigation." *State ex rel. Bardacke v. Welsh*, 1985-NMCA-028, ¶ 16, 102 N.M. 592, 698 P.2d 462. Litigants may be restricted from unfettered access to the courts when conduct is determined "'to rise to the level of abuse, impeding the normal and essential functioning of the judicial process.'" *Id.* ¶ 18 (quoted authority omitted). The instant motions filed by Plaintiff are replete with examples of Plaintiff's vexatious, harassing, and abusive conduct to the Court and opposing counsel/parties. Examples include Plaintiff Derringer referring to the Court as a "communist democrat traitor," and to "facilitating and protecting the invading Mexican National Sinaloa Cartel," and to the parties being "traitors," "committing treason," and being in "collusion" with the Mexican cartels. Plaintiff has engaged, and continues to engage in, a pattern and practice of conduct that is oppressive and for the purpose of harassment.

Plaintiff's Motion for Sanctions, and Plaintiff's Motions to recuse filed October 3rd and October 18, 2023, are **DENIED**. Plaintiff David Derringer may not file any further motions, papers or pleadings in this case absent express permission by this Court.

SO ORDERED.

**ANY VIOLATION OF THIS ORDER IS SUBJECT TO CIVIL
CONTEMPT AND COULD RESULT IN SEVERE SANCTIONS UP TO
AND INCLUDING FINES AND JAIL TIME. THIS ORDER SHALL
HAVE THE FULL FORCE AND EFFECT OF LAW.**


ERIN B. O'CONNELL
DISTRICT COURT JUDGE


ERIN B. O'CONNELL
DISTRICT COURT JUDGE

The foregoing Order was served on counsel through
Odyssey E-File and Serve and was mailed to the pro se party
on the date of entry as follows:

Plaintiff *Pro Se*:

David Derringer
PO Box 7431
Albuquerque, NM 87194
(505) 227-7229

Counsel for Benjamin Benavidez, Jr.

The D'Amato Law Firm, P.C.
John James D'Amato, Jr.
Post Office Box 7888
Albuquerque, New Mexico 87194
505/246-0045 (Office)
505/247-0600 (Facsimile)
john@damatolawoffice.com

Counsel for Defendants New Mexico Livestock Board

Justin Gray and Manuel Monte:

Daniel J. Macke, Esq.
MACKE LAW & POLICY, LLC
8206 Louisiana Blvd. NE, Ste. A
Albuquerque, NM 87113
(505) 308-8668
dan@mackelaw.com

1 Bacon, Justice Michael E. Vigil, Justice David K. Thomson, Justice Julie J.
2 Vargas, and Justice Briana H. Zamora concurring;

3 NOW, THEREFORE, IT IS ORDERED that the motion for rehearing is
4 DENIED.

5 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 22nd day of March, 2023.

Elizabeth A. Garcia, 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.

Zelda Abrita

Clerk of the Supreme Court
of the State of New Mexico

By

Zelda Abrita

Deputy Clerk

6
ORIGINAL FILED PETITIONER DAVID DERRINGER CORRECT HEADING
IN THE NEW MEXICO SUPREME COURT OF THE STATE OF NEW MEXICO
NO. S-1-SC-39680

UNDERLYING: New Mexico Court of Appeals No.
A-1-CA-40690

New Mexico District Court Cases: 7th District Court:
CV-94-10; CV-02-19; D-727-CV-2021-00028

New Mexico District Court Cases 13th District
Court: D-1314-CV-2021-00541 -**Derringer v. Davis
& Derringer v. State of New Mexico et. al**

New Mexico District Court Cases: 2nd District
Court: D-202-CV-2014-07755; CV-2022-03437.

David Derringer,
Plaintiff-Petitioner,

V.

Defendants-Respondents,

STATE OF NEW MEXICO, BERNALILLO COUNTY SHERIFF DEPARTMENT, VALENCIA COUNTY SHERIFF DEPARTMENT, NEW MEXICO STATE POLICE, FRANCISCO "CISCO" LOVATO (AS AN INDIVIDUAL), KYM M. DAMAZYN, MIER PEDRO, RAMON MANQUERO, DENNIS CHAVEZ, SOUTHWEST EVENT CENTER LLC, D.C. LIVESTOCK AUCTION, SOUTHWEST LIVESTOCK AUCTION, BENJAMIN BENAVIDEZ JR., BENAVIDEZ RANCH, NEW MEXICO LIVESTOCK BOARD, DARRON SHAWN DAVIS, MICKEY C. CHAPEL, JENNIFER CHAPEL, JOHN CHAPEL, BEN CHAPEL, NM PROFESSIONAL BIG GAME OUTFITTERS, JOHNBEN ENTERPRISES, NM OFFICE OF THE STATE ENGINEER, NM STATE ENGINEER THOMAS TURNEY, NM STATE ENGINEER JOHN D'ANTONIO, CATRON COUNTY SHERIFF OFFICE, JOHN DOES

EMERGENCY PETITION UNDER RULE NMRA 12-504 PETITION FOR WRIT OTHER EXTRAORDINARY SUPERINTENDING CONTROL FROM THE NEW MEXICO SUPREME COURT GROUNDS OF UNDERLYING PROVEN JUDICIAL CORRUPTION, DOMESTIC TERRORISM, OBSTRUCTION OF JUSTICE, GRAFT/EMBEZZLEMENT, PERJURY OF OATHS, AND TREASON AGAINST THE UNITED STATES OF AMERICA INVOLVING AID, FACILITATION, PROTECTION AND ACCELERATION OF THE FOREIGN INVASION OF THE MEXICAN NATIONAL SINALOA CARTEL, MS-13, LA LINA WITH ADDITIONAL FOREIGN INVADERS FROM OTHER COUNTRIES

COMES NOW the Petitioner David Derringer Pro-Se (hereinafter Derringer) with the EMERGENCY Petition for Superintending Control.

NMRA 12-504(B)(a) GROUNDS OF JURISDICTION OF THE SUPREME COURT

Jurisdiction is granted the NM Supreme Court under the NM CONSTITUTION ARTICLE VI (3) (32). The plain language of NM constitution Article VI Section 32 would enable as also "public record as judicial notice" for the NM Supreme Court's mandates to peruse, examine and evaluate the egregious acts committed in all the above intertwined, related, arising in, arising under and inexplicably intertwined stated cases, and each totally related to the subject motives of NM Democratic voting fraud, administration and judicial and attorney pedophilia (debased NM elite above the law use of Sinaloa Cartel human trafficking of minor children), cocaine, methylamphetamine, fentanyl, and other controlled substances and illicit sexual deviants not "honorable" in judicial and administrative circles. Attorneys, state OSE employees, law enforcement, state agencies of the NMLB and likely "thousands" of other state employees are involved as well as multiple judges. An extraordinary writ issued by a superior court to any inferior court is to prevent the latter from usurping jurisdiction, denying Constitutional rights, blatant judicial and public corruption, and in this matter criminal treason against the United States of America assisting an invasion of Mexican National Sinaloa Cartel, is MANDATED.


Mark Reynolds

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

DAVID DERRINGER,

Plaintiff-Appellant,

v.

No. A-1-CA-40690
Bernalillo County
D-202-CV-2022-03437

STATE OF NEW MEXICO; BERNALILLO
COUNTY SHERIFF'S DEPARTMENT;
VALENCIA COUNTY SHERIFF'S
DEPARTMENT; NEW MEXICO STATE
POLICE; FRANCISCO "CISCO" LOVATO,
in his individual capacity; KYM M. DAMAZYN;
MIER PEDRO; RAMON MANQUERO;
DENNIS CHAVEZ; SOUTHWEST EVENT
CENTER, LLC; D.C. LIVESTOCK
AUCTION; SOUTHWEST LIVESTOCK
AUCTION; BENJAMIN BENAVIDEZ, JR.;
and BENAVIDEZ RANCH,

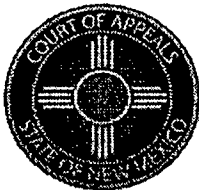
Defendants-Appellees.


MANDATE TO DISTRICT COURT CLERK

Applicable items are indicated by an "X" below.

1. ☒ Attached is a true and correct copy of the original decision/order entered in the above-entitled cause.
2. ☒ This decision being now final, the cause is remanded to you for any further proceedings consistent with said decision/order.
3. ☐ Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.
4. ☐ Cost Bill is assessed as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 21st
day of April, 2023.




MARK REYNOLDS
Chief Clerk of the Court of Appeals

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
1/2/2024 10:57 AM
KATINA WATSON
CLERK OF THE COURT
Amanda Jimenez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID DERRINGER,

Plaintiff,

D-202-CV-2023-05227

v.

NEW MEXICO LIVESTOCK BOARD,
BENJAMIN BENAVIDEZ JR.,
BENAVIDEZ RANCH, OFFICER MANUEL
MONTE, OFFICER JUSTIN GRAY,
MANUEL MONTE, in his Individual Capacity,
JUSTIN GRAY, in his Individual Capacity,

Defendants.

**ORDER GRANTING DEFENDANT BENJAMIN BENAVIDEZ'S MOTION TO
DISMISS AND TO STRIKE**

Before the Court is *Defendant Benjamin Benavidez's Motion to Dismiss and to Strike* (Motion), filed August 24, 2023. This Court construes Defendant "Benjamin Benavidez, Jr." as including Defendant "Benavidez Ranch." The Court, having considered the Motion, Plaintiff's Response, filed Oct. 18, 2023, and Defendant's Reply, filed Sept. 19, 2023, determining no hearing is necessary,¹ and being sufficiently advised, finds that the Motion to dismiss Defendant Benavidez is well taken and is **GRANTED**. Defendant's request to strike the Complaint in its entirety, and request for attorney fees and other sanctions, however, is **DENIED**. Defendant Benjamin

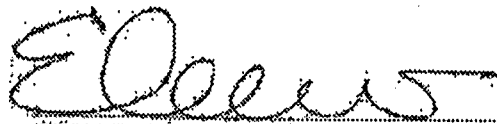
¹ The Court has determined no hearing is necessary. The Court in its discretion may rely upon the pleadings filed in this matter if the written submissions are sufficient to resolve the matters presented. *See National Excess Insurance Co. v. Bingham*, 1987-NMCA-109, ¶ 9, 106 N.M. 325, 742 P.2d 537 (recognizing motions may be resolved by the district court without oral argument provided there is an adequate opportunity for written response to the arguments presented); *Flagstar Bank v. Licha*, 2015-NMCA-086, ¶¶ 28 & 29, 356 P.3d 1102 (stating no authority requires district court to hold a hearing on motions). *See also* LR 2-119(E) NMRA.

Benavidez, Jr., which includes Defendant Benavidez Ranch, is dismissed from this matter with prejudice.

For the reasons stated in Defendant Benavidez's Motion and Reply, the Motion to dismiss is **GRANTED**. Defendant Benavidez's request to strike the Complaint and request for attorney fees and other sanctions, however, is denied. All claims and allegations brought against Defendant Benjamin Benavidez, Jr., which includes Benavidez Ranch, in this matter are dismissed with prejudice.

Per Rule 1-054 NMRA, the Court finds no just reason for delay of the dismissal of Defendant Benavidez from the case with prejudice, and this Order is appealable and final as to Defendant Benavidez. *See State v. Lohberger*, 2008-NMSC-033, ¶ 19, 144 N.M. 297 (affirming appellate jurisdiction exists from final orders that include appropriate decretal language); *Santa Fe Pac. Tr., Inc. v. City of Albuquerque*, 2012-NMSC-028, ¶¶ 10-11, 285 P.3d 595 (affirming appellate jurisdiction arises from an order disposing of all parties/claims or includes finality language per Rule 1-054).

SO ORDERED.



ERIN B. O'CONNELL
DISTRICT COURT JUDGE

The foregoing Order was served on counsel through Odyssey E-File and Serve and was mailed to the pro se party on the date of entry as follows:

Plaintiff Pro Se:
David Derringer
PO Box 7431
Albuquerque, NM 87194

E. H. Shannon

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

March 22, 2023

NO. S-1-SC-39680

DAVID DERRINGER,

Petitioner,

v.

STATE OF NEW MEXICO,
BERNALILLO COUNTY SHERIFF'S
DEPARTMENT, VALENCIA COUNTY
SHERIFF'S DEPARTMENT, NEW
MEXICO STATE POLICE, FRANCISCO
"CISCO" LOVATO, as an individual,
KYM M. DAMAZYN, MIER
PEDRO, RAMON MANQUERO, DENNIS
CHAVEZ, SOUTHWEST EVENT CENTER,
LLC, D.C. LIVESTOCK AUCTION,
SOUTHWEST LIVESTOCK AUCTION,
BENJAMIN BENAVIDEZ, JR.,
BENAVIDEZ RANCH, MICKEY CHAPEL,
JENNIFER CHAPEL, JOHN CHAPEL, BEN
CHAPEL, NM PROFESSIONAL BIG GAME
OUTFITTERS, MICKEY C. CHAPEL,
JENNIFER CHAPEL, JOHN CHAPPEL, BEN
CHAPEL, NM OFFICE OF THE STATE ENGINEER,
CATRON COUNTY SHERIFF'S, OFFICE, JOHN DOES,

Respondents.

ORDER

WHEREAS, this matter came on for consideration by the Court upon
petitioner's motion for rehearing, brief in support, response to notice of
non-conforming, and notice of competition of briefing and the Court having
considered the foregoing and being sufficiently advised; Chief Justice C. Shannon

1 Bacon, Justice Michael E. Vigil, Justice David K. Thomson, Justice Julie J.
2 Vargas, and Justice Briana H. Zamora concurring;

3 NOW, THEREFORE, IT IS ORDERED that the motion for rehearing is
4 DENIED.

5 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 22nd day of March, 2023.

Elizabeth A. Garcia, 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.

Zelda Abaita

Clerk of the Supreme Court
of the State of New Mexico

By

A handwritten signature in cursive script, appearing to read "Zelda Abaita", written over a horizontal line.

Deputy Clerk

6

Exhibit 15

STATE OF NEW MEXICO
IN THE METROPOLITAN COURT
COUNTY OF BERNALILLO

FILED IN THIS OFFICE
TIME

JAN 4 2024

CLERK-METROPOLITAN COURT
BY

STATE OF NEW MEXICO

No.: T-4-CR-2023-003902

Plaintiff,

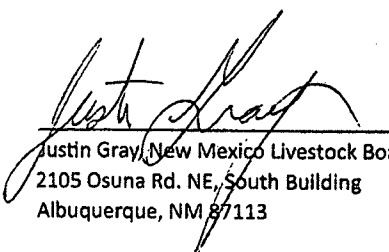
vs.

DAVID DERRINGER
DOB: 11/13/1948
Address: Po Box 7431
Albuquerque, NM, 87194

Defendant.

NOLLE PROSEQUI

COMES NOW the State of New Mexico, by prosecuting Agency, New Mexico Livestock Board, and enters a *Nolle Prosequi* without prejudice in case T-4-CR-2023-003902 its entirety, for the reason that it is in the best interest of justice. The State hereby dismisses Case T-4-CR-2023-003902, but reserves the right to refile these charges at a later date.


Justin Gray, New Mexico Livestock Board
2105 Osuna Rd. NE, South Building
Albuquerque, NM 87113

This will certify that on
January 4, 2024, a copy of the forgoing
Was emailed to counsel for Defendant.


Justin Gray, New Mexico Livestock Board

to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED IN MY OFFICE
2ND JUDICIAL DISTRICT COURT
BERNALILLO COUNTY, NM
CLERK OF THE COURT
3/7/2024 2:43 PM
MARISSA MARQUEZ

No. D-202-MS-2024-00010

IN THE MATTER OF PROHIBITING
DAVID DERRINGER FROM FILING ANY
FURTHER LAWSUITS/PLEADINGS
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT

ADMINISTRATIVE ORDER

The Court comes now on its own motion and for good cause shown, upon review of other matters filed in this Court, and considering all the matters presented, the Court makes the following findings and orders:

A review of the filings by Mr. David Derringer in the Second Judicial District Court reveals that Mr. Derringer has demonstrated a pattern and practice of filing vexatious pleadings and lawsuits. As a result of this pattern and practice, Mr. Derringer has been repeatedly censured by the Court. *See* Order Finding Contempt and Permanently Enjoining David Derringer From Filing Pro Se Pleadings/Motions in the Second Judicial District Court Without Counsel or Court Permission, filed May 31, 2016 in Case No. D-202-CV-2014-07755 (attached as **Exhibit A**); Order Determining Defendant is a Vexatious Litigant and Prohibiting Defendant from any Future Filings in this Case without Representation by Legal Counsel in Case No. D-202-CV-2023-09874 (attached as **Exhibit B**); Order Determining Defendant is a Vexatious Litigant and Prohibiting Defendant from any Future Filings in this Case without Representation by Legal Counsel in Case No. D-202-CV-2024-00261 (attached as **Exhibit C**).

Despite warnings from the Court, Mr. Derringer has continued to file vexatious and meritless pleadings and lawsuits in the Second Judicial District Court. A sample of the cases Mr. Derringer has filed in the Second Judicial District Court include:

- D-202-CV-2011-07564 David Derringer v. Katherine Grave, et al.
- D-202-CV-2012-01307 David Derringer v. Debbie Harms, et. al.
- D-202-CV-2012-10733 David Derringer v. Thom Stein
- D-202-CV-2012-10816 David Derringer v. Barrie Crowe, et. al.
- D-202-CV-2014-05329 David Derringer v. Ignacio Sanchez
- D-202-CV-2014-07755 David Derringer v. Benji Benavidez, Jr., et al.
- D-202-CV-2015-01435 David Derringer v. Barrie Lee Crowe
- D-202-CV-2018-00514 David Derringer v. Isidro J Saenz
- D-202-CV-2018-04370 David Derringer v. Francisco Degraffend Reid
- D-202-CV-2022-03437 David Derringer v. State of NM, et al.
- D-202-CV-2023-05227 David Derringer v. New Mexico Live Stock Board, et al.
- D-202-CV-2023-07042 David Derringer v. Benjamin Benavidez, Jr., et al.
- D-202-CV-2023-09203 David Derringer v. Benjamin Benavidez Jr., et al.
- D-202-CV-2023-09378 David Derringer v. NMLB, et al.
- D-202-CV-2023-09552 David Derringer v. Benjamin Benavidez Jr.
- D-202-CV-2023-09874 David Derringer v. Barclays Bank, et al.
- D-202-CV-2024-00261 David Derringer v. Manuel Gonzalez, III, et al.

Many of the cases initiated by Mr. Derringer and listed above are against the same or similar defendants and allege the same or similar causes of action based on the same or similar fact patterns. The records of Mr. Derringer's duplicative actions in this Court reveal ambiguous, confusing, and unintelligible ramblings in pleadings and papers that consistently do not abide by the Rules of Civil Procedure. For example, Mr. Derringer has repeatedly made allegations against parties, the judiciary, and state agencies and employees of engaging in drug trafficking, horse

rustling, collusion with Mexican cartels, illegal firearms sales, and a long list of crimes pertaining to Mr. Derringer's alleged livestock. These allegations, in addition to being duplicative, are often vague and ambiguous. A sampling of these allegations by Mr. Derringer include insisting that public officials and employees are "traitors," "communist democrat traitor," or "domestic terrorists" that "seek to destroy America," and are "colluding with foreign enemies," "facilitating and protecting the invading [Cartel]," and otherwise "committing treason." *See Derringer v. Manuel Gonzalez, III, et al.*, D-202-CV-2024-00261; *Derringer v. New Mexico Livestock Board et al.*, D-202-CV-2023-05227; *Derringer v. State et al.*, D-202-CV-2022-03437. Mr. Derringer's litigation history in this Judicial District and others is replete with repetitive and vexatious lawsuits that continue to cause a strain on judicial resources.

For these reasons and the reasons stated below, the Court will impose the filing restrictions as described below.

THE COURT HEREBY FINDS that access to courts is a right enjoyed by all persons under Article II, section 18 of the New Mexico Constitution, regardless of legal representation. When a person abuses his or her right to access the courts, however, the courts have an obligation to balance the litigant's right of access and the need of the courts to prevent repetitious and frivolous filings.

Where a litigant has continued to file meritless lawsuits or filings after the Court has explained that the relief he or she seeks is not available, filing restrictions in the form of prior judicial review of cases that are sought to be opened are appropriate so that the Court does not expend valuable and limited resources addressing future meritless cases or filings.

The frequent frivolous filings of meritless cases has the detrimental effect of consuming an inordinate amount of judicial time and resources – time and resources that therefore are not devoted to resolving potentially meritorious claims presented in other cases before the court.

Courts possess inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits. *See State ex rel. Bardacke v. Welsh*, 1985-NMCA-028, ¶ 16, 102 N.M. 592, 698 P.2d 462 ("a less restrictive method of regulating access is not required when the facts show a pattern of conduct which is either vexatious, oppressive or for the purpose of harassment."); *see also General Atomic Co. v. Felter*, 1977-NMSC-011, 90 N.M. 120, 560 P.2d 541 *rev'd on other grounds*, 434 U.S. 12 (1977). The filing excesses of vexatious litigants interfere with the orderly administration of justice by diverting judicial resources from those cases filed by litigants willing to follow court rules, and those meritorious cases that deserve prompt judicial attention.

District courts have the "inherent power to impose a variety of sanctions on both litigants and attorneys in order to regulate their docket, promote judicial efficiency, and deter frivolous filings." *State ex re. Highway and Transp. Dept., v. Baca*, 1993-NMCA-149, ¶ 9, 116 N.M. 751, 867 P.2d 421 (quoting *Martinez v. Internal Revenue Serv.*, 744 F.2d 71, 73 (10th Cir. 1984) (internal quotation marks omitted)). "To allow one individual . . . to incessantly seek a forum for his views both legal and secular by means of pro se litigation against virtually every public official or private citizen who disagrees with him only serves to debilitate the entire system of justice." *Welsh*, 1985-NMCA-028, ¶ 18 (internal citation marks and quotation omitted).

Mr. Derringer's actions show a pattern of conduct which is vexatious, and in direct violation of the Court's previous order. *See Exhibit A* at 14 (May 31, 2016 Order enjoining Mr. Derringer from filing any new complaints, petitions, etc. unless he is either represented by an attorney in that regard or the pleading is first reviewed and approved by the Court). The Court's

intervention is necessary to stop further vexatious filings and conduct by Mr. Derringer, to promote judicial efficiency, and deter further frivolous filings. The Court finds that additional filing restrictions are appropriate so that the Court does not expend valuable resources addressing future such cases.

The entry of this administrative order is necessary to protect the constitutional right of access to the courts for *all* litigants and to permit the court to devote its finite resources to the consideration of legitimate claims filed in the Second Judicial District Court.

IT IS THEREFORE ORDERED:

1. Mr. Derringer as a *pro se* (self-represented) party is hereby enjoined from filing, and shall not file, any new petitions, applications, complaints, or any other initiating pleading stating any claims or causes of action after the date of this order without having first received an order signed by the Chief Judge, the Civil Presiding Judge, or his/her designee granting him leave to do so.

2. Regarding Mr. Derringer's five (5) pending cases, *Derringer v. Barclays Bank, et al.*, D-202-CV-2023-09874; *Derringer v. Gonzalez, III, et al.*, D-202-CV-2024-00261; *Derringer v. Benavidez Jr., et al.*, D-202-CV-2023-07042, the district court judge presiding over the case shall have the authority to determine whether Mr. Derringer is still permitted to file *pro se* in that respective case. However, unless otherwise ordered by the Court, Mr. Derringer has thirty (30) days from entry of this order to retain and have legal counsel enter an appearance in all cases pending before this Court. If counsel on behalf of Mr. Derringer does not enter an appearance on or before thirty (30) days from entry of this Order, any judge presiding over one of Mr. Derringer's cases shall have the discretion to dismiss the case.

3. Mr. Derringer as a *pro se* (self-represented) party is hereby enjoined from filing, and shall not file, a new pleading, motion, or any other document in any non-criminal case in which judgment concluding the case has been entered without having first received an order signed by the Chief Judge, the Civil Presiding Judge, or his/her designee granting him leave to do so. That is, prior leave from the Chief Judge, the Civil Presiding Judge, or his/her designee is required before Mr. Derringer may reopen any closed matters.


4. Any motion for leave to file shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Derringer must either cite this order in his application, or attach as an exhibit a copy of this order.

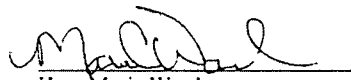
5. The Clerk of the Court is directed to reject all filings from Mr. Derringer that do not comply with this Order. However, if approval for filing a new action is granted as set out in this Order, the Clerk of Court may accept subsequent filings in that cause number from Mr. Derringer.

6. This Order does not apply to cases in which Mr. Derringer is represented by legal counsel.

IT IS FURTHER ORDERED that this Administrative Order is effective immediately.

IT IS SO ORDERED.


Hon. Joshua Allison
District Court Judge, Presiding Civil


Hon. Marie Ward
Chief District Court Judge

NEW MEXICO LIVESTOCK BOARD
IMPOUNDMENT FORM

Date: April 10, 2024

Name: David Derringer

Address: Po Box 7431 Albuquerque, NM 87194

This is to inform you that New Mexico Livestock Inspector: Justin Gray

Has Impounded 5, head of horses that are not branded.

Description of livestock

1. Gruella Mare with both hind socks.
2. Gruella Colt with a small star.
3. Sorrel Filly with a Blaze
4. Sorrel Filly with a strip, snip, and both front socks
5. Chestnut stud with a blaze, both front socks and a left hind sock.

Livestock were picked up at: Benavidez Corrals north of Grant Rd

Date Impounded: April 9, 2024

This is to notify you that you have 15 days to produce sufficient proof of ownership to the satisfaction of the board. If proof of ownership is not established in 15 days, the livestock will be sold as estrays.

Impoundment Fees: Pursuant to NMSA 77-2-22 J, a fee for the impoundment of trespass livestock pursuant to Section 77-14-36 NMSA 1978 in an amount not to exceed ten dollars (\$10.00) per head per day and a reasonable charge for the moving of trespass livestock pursuant to Section 77-14-36 NMSA 1978 to be set by the board;

Inspection: _____

Feed Bill: \$10 per head per day

Hauling: \$1.50 per loaded mile

Inspector's Time: _____

Other: _____

Total _____

Justin Gray Email: justin.gray@nmlb.nm.gov Phone: 505.301.3391



FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
4/18/2024 3:13 PM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID DERRINGER,

No. D-202-CV-2023-9203

Plaintiff,

v.

SINALOA CARTEL DOMESTIC TERRORIST PRIVATE CITIZEN BENJAMIN BENAVIDEZ JR.,
SINALOA CARTEL DOMESTIC TERRORIST PRIVATE CITIZEN JUSTIN GRAY (AS AN
INDIVIDUAL NM CITIZEN PRECLUDED ATTORNEY REPRESENTATION BY USE OF NM TAX
DOLLAR FEE PAYMENT); SINALOA CARTEL DOMESTIC TERRORIST PRIVATE CITIZEN
MANUEL MONTE (AS AN INDIVIDUAL NM CITIZEN PRECLUDED ATTORNEY
REPRESENTATION BY USE OF NM TAX DOLLAR FEE PAYMENT),
SINALOA CARTEL DOMESTIC TERRORIST PRIVATE CITIZEN GEORGE MENDOZA (AS AN
INDIVIDUAL NM CITIZEN PRECLUDED ATTORNEY REPRESENTATION BY USE OF NM TAX
DOLLAR FEE PAYMENT).

Defendants.

**ORDER STRIKING PLAINTIFF'S MOTION FOR RECONSIDERATION
FILED ON FEBRUARY 1, 2024**

The Court, *sua sponte*, orders that the Motion should be stricken from the record pursuant to 1-012(F) NMRA due to the pleading asserting highly improper statements and accusations against a sitting judge, which are undoubtedly "impertinent or scandalous." This Court finds that the pleading is replete with outrageous accusations; thus the entire pleading must be stricken. Furthermore, the Court will enter a separate order placing limitations on Plaintiff's ability to file pleadings.

The Court hereby ORDERS the Clerk's Office to strike the pleading from the Court record.

IT IS SO ORDERED.


BEATRICE J. BRICKHOUSE
DISTRICT COURT JUDGE

April 18, 2024

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