

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

GERALD VALLEJOS,

Plaintiff,

vs.

No. 1:17-cv-00183-PJK-WPL

LOVELACE MEDICAL CENTER and
the 2nd JUDICIAL DISTRICT COURT,
NEW MEXICO,

Defendants.

ORDER GRANTING SECOND JUDICIAL DISTRICT COURT'S
MOTION TO DISMISS COMPLAINT

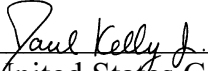
THIS MATTER comes on for consideration of the Second Judicial District Court's Motion to Dismiss Complaint filed March 15, 2017. Doc. 12. The parties are familiar with the facts and it is unnecessary to restate them here. Plainly, the Second Judicial District is an arm of the State that is protected against a suit in federal court by Eleventh Amendment immunity. See N.M. Stat. Ann. § 34-6-21; Alden v. Maine, 527 U.S. 706, 713 (1999); Vacek v. Court of Appeals, 325 F. App'x. 647, 649 (10th Cir. 2009) (unpublished). Mr. Vallejos claims that he is not seeking monetary relief against the State but wants an investigation of State judicial corruption. Doc. 1 at 7. Although he identifies no basis in law for such a remedy by a federal court, the Second Judicial

District is not a “person” amenable to suit under 42 U.S.C. § 1983. See Will v. Mich. Dep’t of State Police, 491 U.S. 58, 71 (1989).

NOW, THEREFORE, IT IS ORDERED that the Second Judicial District Court’s Motion to Dismiss Complaint filed March 15, 2017 (Doc. 12) is granted and the Second Judicial District is dismissed without prejudice for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Dismiss the Second Judicial District Court’s Motion . . . and to Reject and Dismiss Notice of Completion of Briefing on SJDC Motion to Dismiss filed April 3, 2017 (Doc. 15), is denied.¹

DATED this 14th day of April, 2017 at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation

¹ Though untimely, the court has considered Plaintiff’s response to the motion to dismiss.