

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

EARL R. MAYFIELD,

Plaintiff,

v.

No. CV 17-00237 RJ/CG

KEN SMITH, et al.,

Defendants.

ORDER DENYING EMERGENCY MOTION FOR COURT ORDER

THIS MATTER is before the Court on Plaintiff Earl R. Mayfield's *Emergency Motion for Court Order and Extension of Time Pursuant to State and Federal Law on the Following Grounds*, (Doc. 21), filed June 29, 2017. The Court will deny the Motion as moot.

On June 5, 2017, the Court entered a *Memorandum Opinion and Order* dismissing Plaintiff's claims and granting him leave to file an amended complaint within thirty days. (Doc. 18). Plaintiff filed a letter Motion for extension of time on June 26, 2017, asking for an extension of time to July 24, 2017 to file the amended complaint. (Doc. 19). Plaintiff then filed the instant Motion on June 29, 2017, again requesting essentially the same extension of time. (Doc. 21). Plaintiff is a frequent litigant and has a history of using one proceeding to attempt to circumvent filing restrictions in another proceeding. At the time the two motions for extension of time were filed, he was under filing restrictions and deadlines in several of his cases. See, e.g., CV 16-00805 JB/JRH, Doc. 42; CV 17-00193 JCH/KRS, Doc. 46 at 4-5; CV 17-00332 WJ/KK, Doc. 16 and 19. It is unclear whether one of his two motions for extension of time was actually intended for a different proceeding or whether the two motions are duplicative requests.

The Court granted Plaintiff's first letter Motion on June 30, 2017, granting him an extension of time to July 24, 2017 to file his amended complaint. (Doc. 20). Plaintiff then filed an Amended Complaint on July 10, 2017. (Doc. 22). Therefore, regardless of whether or not his Emergency Motion for Court Order was duplicative, it is now moot and will be denied by the Court.

IT IS THEREFORE ORDERED that Plaintiff's *Emergency Motion for Court Order and Extention of Time Persuant to State and Federal Law on the Following Grounds*, (Doc. 21), is **DENIED** as moot.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written in a cursive style. The signature is positioned above a horizontal line.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE