

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

ROSE QUINTANA and CORY HICKERSON,  
Individually, and as the Personal  
Representatives of the ESTATE OF RICARDO  
JOSE ORTIZ, deceased,

Plaintiff,

Quintana et al v. Santa Fe County Board of Commissioners et al  
vs.

No. CIV 18-0043 JB/LF

Doc. 74

SANTA FE COUNTY BOARD OF  
COMMISSIONERS; ANNE ROBINSON,  
in her individual capacity; DYLAN  
CHAVEZ, in his individual capacity;  
ANTHONY VALDO, in his individual  
capacity; TYLER LOPEZ, in his  
individual capacity; LEONARD  
GARCIA, in his individual capacity, and  
CRISTOBAL GALLEGOS, in his  
individual capacity,

Defendants.

**ORDER**<sup>1</sup>

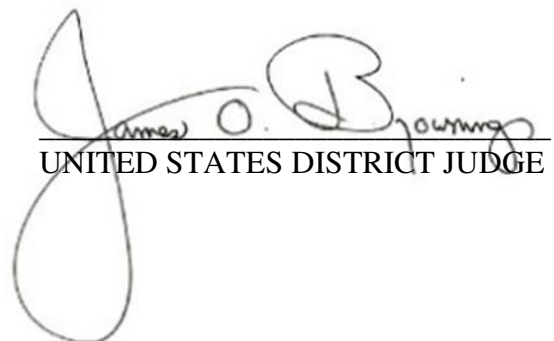
**THIS MATTER** comes before the Court on the Motion to Reconsider and Vacate Remand of State Law Claims, filed December 18, 2020 (Doc. 59)(“Motion”). The Court held a hearing on August 13, 2021. See Clerk’s Minutes, filed August 13, 2021 (Doc. 73). The primary issue is whether the Court should vacate its decision to remand the case with its remaining state claims to the First Judicial District Court, County of Santa Fe, State of New Mexico, after it had dismissed all federal claims, see Quintana v. Santa Fe Cty. Bd. of Commissioners, No. CIV 18-0043 JB/LF, 2019 WL 452755, at \*72 (D.N.M. Feb. 5, 2019)(Browning, J.), filed February 5, 2019 (Doc.

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<sup>1</sup>This Order disposes of the Motion to Reconsider and Vacate Remand of State Law Claims, filed December 18, 2021 (Doc. 59). The Court will issue a Memorandum Opinion at a later date fully detailing its rationale for its decision.

45)(“MOO”), because the United States Court of Appeals for the Tenth Circuit reversed the Court on a federal claim for one defendant, and reversed the Court’s decision to deny the Plaintiffs’ Motion to Amend the Complaint, filed September 12, 2018 (Doc. 30), see Quintana v. Santa Fe Cty. Bd. of Commissioners, 973 F.3d 1022, 1035 (10th Cir. 2020)(affirming in part, vacating in part, and remanding in part the Court’s MOO). For the reasons stated in the record, the Court denies the Motion, because: (i) other than arguing that the Court has the raw judicial power to vacate its remand order, Defendant Santa Fe County Board of Commissioners in Santa Fe, New Mexico (“Santa Fe County”) does not explain adequately under what authority the Court can reconsider and vacate its remand order; and (ii) even if the Court has the authority to reconsider its remand order, the Court will not exercise supplemental jurisdiction under 28 U.S.C. § 1367. See Baca v. Sklar, No. CIV 02-1002 JB/ACT, 2005 WL 2295671, at \*2 (D.N.M. Aug. 7, 2005)(Browning, J.)(denying a motion to reverse its remand order following a reversal from the Tenth Circuit, because “reversing its decision to remand presents preclusion and jurisdiction issues and is not practical at this point in time”). See also In re La Providencia Dev. Corp., 406 F.2d 251, 252 (1st Cir. 1969)(“The action must not ricochet back and forth depending upon the most recent determination of a federal court.”).

**IT IS ORDERED** that the Motion to Reconsider and Vacate Remand of State Law Claims, filed December 18, 2020 (Doc. 59), is denied.

  
UNITED STATES DISTRICT JUDGE

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