

INSTRUCTIONS FOR RESPONDENT'S MOTION (REQUEST) TO POSTPONE A HEARING FOR A ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER

When should this form be used?

This form should be used if you would like to ask the Court to postpone the hearing to determine whether a One-Year Extreme Risk Firearm Protection Order against you will be granted. If your request to postpone the hearing date is granted, the Court will re-set the hearing within thirty days of granting the request for postponement.

If you use this form, you are the Respondent. As the Respondent, you may file one (1) written motion (request) to postpone the hearing for a One-Year Extreme Risk Firearm Protection Order after the judge has set a hearing date.

Who may file this form?

This form may be filed by:

- A Respondent who has had a Temporary Extreme Risk Firearm Protection Order entered against him or her and who has not previously filed a written request to postpone the hearing for a One-Year Extreme Risk Firearm Protection Order.

Additional Instructions

You must file the original of this form with the court and must serve a copy (by U.S. Mail, personal delivery, or other means of service permitted under the rules) on the Petitioner and the Petitioner's attorney (if there is one) in this case. The Petitioner is the law enforcement agency that petitioned to have the Extreme Risk Firearm Protection Order issued against you.

ERFPO FORM 5

Approved for use by Supreme Court
December 5, 2023

STATE OF NEW MEXICO

_____ **JUDICIAL DISTRICT COURT**

COUNTY OF _____

In the Matter of an Extreme Risk
Firearm Protection Order for

Case No.:

**RESPONDENT'S MOTION TO POSTPONE A HEARING FOR A ONE-YEAR
EXTREME RISK FIREARM PROTECTION ORDER**

SECTION I.

1. I am the Respondent in this case, my name is: _____

2. I currently live at the following address {street address, city, state, and zip code}:

3. My attorney's name, address, and telephone number are:

If you do not have an attorney, write "none."

SECTION II.

1. This is a request to postpone a hearing for a One-Year Extreme Risk Firearm Protection

Order set for _____ by Judge _____.
date name of Judge who entered Order

2. I have not previously requested postponement of a hearing in this case.

3. I am requesting to postpone the hearing for the reasons stated below:

add another page if necessary

Signature of Respondent

Date

Printed Name of Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____ {date} a copy of this Request to Postpone a Hearing for a One-Year Extreme Risk Firearm Protection Order was served on the

Petitioner by _____ at _____
enter service method (U.S. Mail, personal service, etc.) street address

_____, _____
city state zip code

Petitioner's Attorney by _____ at _____
enter service method (U.S. Mail, personal service, etc.) street address

_____, _____
city state zip code

Signature of Respondent