



Administrative Office of the Courts

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New Mexico Supreme Court clarifies time limitations on civil lawsuits

SANTA FE – A New Mexico law providing a six-month grace period for refiling a dismissed lawsuit does not apply if the original civil action was started after the deadline for bringing the legal claim, the state Supreme Court ruled today.

In a unanimous opinion written by Chief Justice Julie J. Vargas, the state’s highest court upheld the dismissal of a lawsuit by a Texas man, Jesus Moreno, to recover damages for injuries from an oilfield accident in 2017 in Lea County in southeastern New Mexico.

Moreno sued Ranger Energy Services, LLC, and Wildcat Oil Tools, LLC, in New Mexico’s First Judicial District Court four months after a Texas court had dismissed a similar lawsuit because it was filed too late under Texas law. The district court in Santa Fe County dismissed the second lawsuit because it was brought after the expiration of New Mexico’s statute of limitations for filing personal injury claims within three years of the date of the accident.

Moreno’s case reached the Supreme Court after the state Court of Appeals rejected Moreno’s arguments that his lawsuit should be allowed to proceed under a provision known as a saving statute, which provides six months to refile a previously dismissed legal action and have it deemed a continuation of the first case.

The justices concluded that the savings statute did not apply to Moreno’s lawsuit.

“Because Plaintiff’s first action was not timely commenced, his second action cannot benefit from the New Mexico savings statute as a continuation of the first,” the Court wrote.

Moreno’s case represented the first time the Court considered the legal question of whether New Mexico’s savings statute applied when a person’s first lawsuit was dismissed by a court in another state on statute of limitation grounds.

“By dismissing Plaintiff’s action on statute of limitation grounds, the Texas state court concluded that Plaintiff’s action was not timely commenced. Based on these circumstances, Plaintiff’s second lawsuit cannot benefit from the savings statute, despite New Mexico’s longer statute of limitations period for personal injury lawsuits,” the Court stated. “In essence, the New Mexico savings statute cannot resurrect Plaintiff’s first action because it never was.”

The justices affirmed the dismissal of Moreno’s lawsuit but on different grounds than the Court of Appeals, which determined that the lawsuit fell under a “negligent prosecution” exception to the savings statute. The Court of Appeals held that Moreno failed to diligently advance his personal injury claims by first bringing them in Texas. The justices did not address that issue and instead upheld the dismissal because the first case was not timely filed.

Moreno argued that there was no requirement in the savings statute for the first lawsuit to be filed within the statute of limitations for the jurisdiction where it was originally filed, only that it must be filed in the original jurisdiction, in this case, Texas, before the expiration of the New Mexico statute of limitations.

“While it is true that the plain language of the New Mexico savings statute does not contain an explicit requirement for the first action to be timely commenced, we conclude that such a requirement is implicit in the basic operation of the statute,” the Court wrote.

The justices explained that Moreno’s interpretation of the law “clearly contradicts the Legislature’s intent to codify a limit on the time to file an action by effectively nullifying the limitation period and transforming the New Mexico savings statute from a remedial protection for diligent litigants whose timely action is dismissed on procedural grounds to a perpetual opportunity to circumvent the statute of limitations. This cannot be what our Legislature intended.”

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To read the decision in *Moreno v. Ranger Energy Servs.*, No. S-1-SC-40442, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538202/index.do>