

RESPONSE TO MOTION

INSTRUCTIONS AND COURT PAPERS

**How to file a response to a motion filed in the
Third Judicial District Court, Dona Ana County, NM**

(Revised 6/2023)

HOW TO FILE A RESPONSE TO A MOTION

Third Judicial District
Las Cruces, NM

Inside This Packet:

Instructions **4 pgs**

Response to Motion **3 pgs**

- This packet is not a substitute for professional legal advice.
- A lawsuit is complicated and using legal forms without a lawyer's help can harm your legal rights
- The Court assumes no responsibility and accepts no liability for actions taken by users of these forms, including reliance on their contents.

This packet has instructions and *basic* court forms to file a response to *most* motions.

BUT, THERE ARE MANY DIFFERENT KINDS OF MOTIONS.

It is possible this response will not be the right form for your situation - please seek the advice of an attorney to help you with your response.

Representing yourself PRO SE (without a lawyer), means you are expected to ***know the law***, prepare and file pleadings and present your case just like a lawyer is required to do.

Court Staff ***can*** tell you about court procedures, rules, records, and forms.

Court Staff **cannot give legal advice** about your rights or responsibilities. They *cannot* fill out these forms for you and they cannot tell you if you have properly presented your case.

INSTRUCTIONS

- Type or print in black ink
- Fill out all blanks and check all boxes that apply.
- If there is not enough room on the form, write your information on another sheet of paper and staple the paper to the form.
- DO NOT write on the back of any page.



FILL OUT THE RESPONSE FORM IN THIS PACKET

STEP 1

Response to Motion

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

_____, Plaintiff/Petitioner,
(print first, middle and last name)

v. Case No. _____
Judge: _____

_____, Defendant/Respondent.
(print first, middle and last name)

RESPONSE TO MOTION

1. IDENTIFY YOURSELF:

My name is _____, I represent myself.
(print your legal name)

I am the or or or or
PLAINTIFF or PETITIONER
DEFENDANT or RESPONDENT

2. IDENTIFY THE MOTION:

A. I am responding to the following motion: (print the title of the motion on this line)

MOTION (to or for): _____

RESPONSE TO MOTION
Third Judicial District Court (rev. 08/16) Page 1 of 3

Print the caption just like it appears on the complaint or petition.

On every page, fill out all blanks and check all boxes that apply to your situation.



Read the important information on page 2

INSTRUCTIONS



3. YOUR RESPONSE:

✓ CHECK ONE OF THESE BOXES:

→ I AGREE with the motion and it should be APPROVED.

→ I DO NOT AGREE with the motion and it should NOT BE APPROVED because:

PRINT ALL THE REASONS WHY YOU DO NOT WANT THE JUDGE TO APPROVE THE MOTION.....

4. RELIEF REQUESTED:

I RESPECTFULLY ASK that the Court grant my request in paragraph 3. I also ask that the Court award any other relief it considers fair, proper, and necessary.

RESPONSE TO MOTION
Third Judicial District Court (rev. 05/15) Page 2 of 3

If you do not agree with the motion, be very detailed about why you do not agree.

Sign your name and print your name, address, and telephone number.

Respectfully submitted,

_____ (PRINT YOUR NAME)

_____ (PRINT YOUR ADDRESS)

_____ (PRINT YOUR TELEPHONE)

_____ (YOUR TELEPHONE)

PROOF OF SERVICE

I certify that I delivered a copy of this RESPONSE TO MOTION to all other parties in this case (or their lawyer if they have one) at the address(es) listed below: (if there are more parties, attach more sheets)

TO: _____ <small>(Name of other party or that lawyer if they have one)</small>	TO: _____ <small>(Name of other party or that lawyer if they have one)</small>
AT: _____ <small>(Their address)</small>	AT: _____ <small>(Their address)</small>
WHEN: _____ (month/day/year)	WHEN: _____ (month/day/year)
HOW: <input type="checkbox"/> first-class mail <input type="checkbox"/> hand-delivery	HOW: <input type="checkbox"/> first-class mail <input type="checkbox"/> hand-delivery

_____ (PRINT YOUR NAME)

NOTICE TO OPPOSING PARTIES: YOU HAVE THE RIGHT TO FILE A REPLY TO THIS RESPONSE TO MOTION OR YOU MAY FILE A NOTICE OF CONVICTION OR RESTRICTION. FOR MORE INFORMATION, PLEASE CONSULT THE CLERK'S OFFICE AND YOUR LEGAL COUNSEL.

RESPONSE TO MOTION
Third Judicial District Court (rev. 05/15) Page 3 of 3

Tell the court how and when you provided all other parties with a copy of your response.

DO NOT skip this step. It is *required* under the Rules of Civil Procedure.

INSTRUCTIONS

STEP 2



COPY YOUR RESPONSE

- How many copies you make depends on how many parties there are in the lawsuit.
- Make one copy for YOU and one copy for EACH party in the lawsuit.
- If you do not know how many parties are in your lawsuit, look at the first page of the *complaint* or the *petition*.

STEP 3



FILE YOUR RESPONSE WITH THE COURT

- Bring your original AND your copies to the Third Judicial District Courthouse at 201 W. Picacho, Las Cruces, NM.
- The courthouse is open from 8am - 4 pm, Monday - Friday. Hand everything to the district court clerk.
- The district court clerk will file-stamp your paperwork, keeping the original for your court file and returning the copies to you.

STEP 4

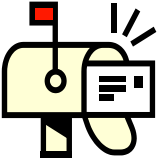


SERVE YOUR RESPONSE

- Provide one of the copies of your response to every other party (or to their lawyer, if they have one) in the lawsuit.
- You are allowed to do this by hand delivery or by first class mail.

INSTRUCTIONS

STEP 5



WAIT . . .

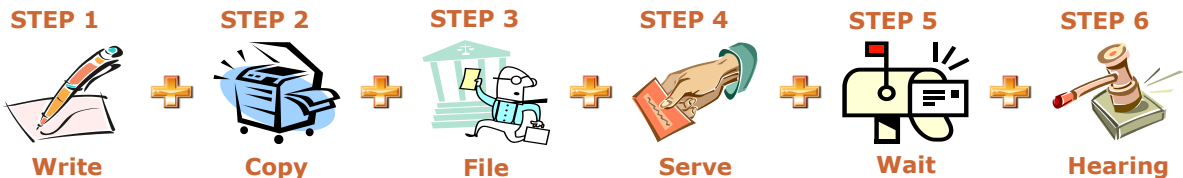
- Once a hearing is scheduled, you will receive a notice in the mail.
- The notice lists your court date and time.

STEP 6



ATTEND THE HEARING

- Attend the hearing on the day and at the time on the notice.
- Do not be late.
- Come prepared to present your case.



STATE OF NEW MEXICO
 COUNTY OF DOÑA ANA
 THIRD JUDICIAL DISTRICT COURT

_____, Plaintiff/Petitioner,
(print first, middle and last name)

v. Case No. _____
 Judge: _____

_____, Defendant/Respondent.
(print first, middle and last name)

RESPONSE TO MOTION

1. IDENTIFY YOURSELF:

My name is _____ I represent myself.
PRINT YOUR NAME HERE

I am the (✓ *CHECK ONE OF THESE BOXES*) PLAINTIFF or PETITIONER
 DEFENDANT or RESPONDENT

2. IDENTIFY THE MOTION:

A. I am responding to the following motion: (*print the title of the motion on this line*)

MOTION (to or for): _____

3. YOUR RESPONSE:

✓ CHECK ONE OF THESE BOXES:

➔ I AGREE with the motion and it should be APPROVED.

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PRINT ALL THE REASONS WHY YOU DO NOT WANT THE JUDGE TO APPROVE THE MOTION ----->

4. RELIEF REQUESTED:

I RESPECTFULLY ASK that the Court grant my request in paragraph 3. I also ask that the Court award any other relief it considers fair, proper, and necessary.

Respectfully submitted,

(SIGN YOUR NAME)

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

PROOF OF SERVICE

I certify that I delivered a copy of this RESPONSE TO MOTION to all other parties in this case (or their lawyer if they have one) at the address(es) listed below: ***(If there are more parties, attach more sheets)***

TO: _____
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TO: _____
(Name of other party or their lawyer if they have one)

AT: _____
(Their address)

AT: _____
(Their address)

WHEN: _____ (mo/day/year)

WHEN: _____ (mo/day/year)

HOW: first-class mail hand-delivery

HOW: first-class mail hand-delivery

(SIGN YOUR NAME)

NOTICE TO OPPOSING PARTY(IES): YOU HAVE THE RIGHT TO FILE A REPLY TO THIS RESPONSE TO MOTION OR YOU MAY FILE A NOTICE OF COMPLETION OF BRIEFING. FOR MORE INFORMATION, PLEASE READ RULES 1.007.1A-H AND 1-005 NMRA.