



ASKING THE COURT TO REINSTATE YOUR CASE

Are these forms for you?

Have you received an order dismissing your case for lack of prosecution?

Is it less than 30 days since the order dismissing your case for lack of prosecution was filed? (Look in the upper right-hand corner for the file date)

Do you represent yourself?

If you answered **NO** to any of these questions, **DO NOT USE THESE FORMS**

STEP 1 Fill out the forms . . .

MOTION:

The motion asks the judge to reinstate your case. Check all boxes that apply to you and fill out all the blanks, especially paragraph 5 where you tell the judge *why* you want to reinstate your case.

ORDER:

The order is how the judge says if he or she approves (grants) or does not approve (denies) your motion. Fill in the caption **ONLY**. That's the top part of the order with the parties' names and the case number. The judge will fill out the rest.



Use **BLACK INK** to fill out your forms

STEP 2 Bring the forms to the court . . .

COPY:

Make 2 copies of your motion.

Make 2 copies of the order.

DO NOT COPY THIS PAGE!

FILE:

Bring the originals and copies to the court clerk. The clerk files and keeps the original. One of the copies is for **YOU**: one of the copies is for the other party in the lawsuit. If there is more than one other party, **YOU** are responsible for making more copies.

SERVE:

YOU must deliver a copy of your motion to all parties (or their lawyer if they have one). When you filled out the certificate of service on page 2 of the motion, you told the court how and when you delivered the copy of your motion to everyone else in the lawsuit.

WAIT:

You will receive the file-stamped order in the mail. It will say if the judge approved (granted) your motion and reinstated your case or if the judge did not approve (denied) your motion and did not reinstate your case.

Envelope Reminder:

- When you bring your forms to the court, also bring at least 2 letter-sized envelopes with a first-class stamp on each.
- Address 1 envelope to **YOU** and 1 envelope to the other party. If there is more than 1 other party in your lawsuit, bring and address envelopes for each person involved in your lawsuit.



Inside this packet:

INSTRUCTIONS	This page
MOTION	2 pages
ORDER	1 page

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

STATE OF NEW MEXICO/HSD, (if Petitioner or Intervenor)

_____, **Petitioner,**

v.

Case No. D-307-DM- _____

Judge: _____

_____, **Respondent.**

CERTIFICATE OF RE-OPEN STATUS

Pursuant to Rule 1-099 NMRA, I certify that:

NO FILING FEE IS REQUIRED BECAUSE:

- Pending or filed within 90 days of the disposition.
- Requesting action which may be performed by the clerk of the court or seeking to correct a mistake in the Judgment or record filed; or a motion accompanied by a signed stipulated order disposing of issue(s).
- I am seeking only enforcement of a child support order.

FILING FEE OF \$137.00 IS DUE BECAUSE:

- I am seeking post decree relief in addition to or other than enforcement of a prior child support order.
- I am requesting judicial action 90 days or more after final disposition of the case and not within the categories described in Rule 1-099 NMRA.

Respectfully submitted,

(SIGN YOUR NAME)

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

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)

MOTION TO REINSTATE CASE

1. My name is _____.
(PRINT YOUR NAME HERE)

2. I represent myself.

3. I am the (CHECK ONE OF THESE BOXES ----->) PLAINTIFF/PETITIONER
 DEFENDANT/ RESPONDENT

4. It has been less than 30 days since the court dismissed this case for lack of prosecution.

5. I am asking the court to reinstate this case because:

PRINT THE REASONS WHY YOU WANT THE COURT TO REINSTATE YOUR CASE ----->

WHEREFORE, I respectfully ask that the Court grant this Motion. 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) _____

CERTIFICATE OF SERVICE

Today I delivered a copy of this **MOTION** to all other parties in this case (or to their lawyer if they have one) at the address(es) below (*copy and attach more pages if necessary*):

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

AT: _____
(Their address)

How delivered (one): first-class mail hand-delivery other _____

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

AT: _____
(Their address)

How delivered (one): first-class mail hand-delivery other _____

(Sign your name)

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)

**ORDER ON
MOTION TO REINSTATE CASE**

THIS MATTER came before the Court on the Movant's Motion to Reinstate Case, and the Court having reviewed the file and being otherwise truly advised, **FINDS and ORDERS:**

- That the Motion to Reinstate Case is not well taken and is **DENIED**.
- That the Motion to Reinstate Case is well taken and is **GRANTED** and the above-noted cause of action is hereby **REINSTATED**.

DISTRICT COURT JUDGE