## 9-705. Procedural order on petition for writ of habeas corpus. [For use with District Court Criminal Rule 5-802 NMRA] STATE OF NEW MEXICO COUNTY OF \_\_\_\_\_ JUDICIAL DISTRICT COURT No. Petitioner, v. Respondent. PROCEDURAL ORDER ON PETITION FOR WRIT OF HABEAS CORPUS This matter having come before the court on petitioner's petition for a writ of habeas corpus or other pleading pursuant to Rule 5-802 NMRA of the Rules of Criminal Procedure for the District Courts, the court having reviewed the record and being otherwise fully advised in the premises, FINDS AND ORDERS THAT: SUMMARY DISMISSAL/TRANSFER OF VENUE<sup>1</sup> 1. This matter is transferred because of improper venue to the Judicial District Court. This matter is summarily dismissed because as a matter of law petitioner is not entitled to relief based on a review of the files, pleadings, and records which show that: (statement of reasons required)

2. [] issues/claims:	RETURN OF PETITION FOR FURTHER INFORMATION: The petition is returned to petitioner for additional information on the following
Pursuant to Ruafter service o	ule 5-802(G) NMRA, a revised petition shall be filed within forty-five (45) days of this order.
[] court's finding own expense.	FREE PROCESS AND APPOINTMENT OF COUNSEL:  Petitioner is granted permission to proceed <i>in forma pauperis</i> based on Form 9- r because petitioner is an inmate of a correctional facility.  Petitioner is not granted permission to proceed <i>in forma pauperis</i> .  The Public Defender Department is appointed to represent petitioner based on the g that this is a proceeding which a reasonable person would bring at that person's Upon being properly appointed, the Public Defender Department shall either file etition or a notice of non-intent to file an amended petition within ninety (90) days tment. <sup>2</sup>
[] petition will b amended petit	RESPONSE <sup>3</sup> : The respondent is directed to file a response within one-hundred and twenty (120) service of an amended petition or a notice that no amended petition will be filed. The court, having received an amended petition or a notice that no amended be filed, and based upon a review of the files, pleadings, and records, including the cion, hereby summarily dismisses the petition.  *reasons required*)

petitioner will l amended petition	The court, having received an amended petition or a notice be filed, and based upon a review of the files, pleadings, and on, hereby dismisses the following claims:  Peasons required)	
AND		
orders a	response from respondent on the following claims:	
	HEARING SCHEDULE:	
[] (time	A status conference will be held on	( <i>date</i> ), at
[]	A preliminary disposition hearing will be held on	( <i>date</i> ), at
(time		<i>(date</i> ), at
(time	?). An evidentiary hearing is not required, but legal argument v	vill be heard on this
[] (time	An evidentiary hearing will be held on	vill be heard on th

## USE NOTE

- 1. Paragraph 1 should only be used prior to the appointment of counsel and before the filing of any amended petition.
  - 2. See NMSA 1978, § 31-16-3(B)(3) (1968).
- 3. After receiving the amended petition or notice that no amended petition will be filed, the court will then decide if a response will be ordered, and whether a status conference, a preliminary disposition hearing, or evidentiary hearing are required, and will send the parties notice. Paragraph 5 should be used when ordering a response at the time of appointment of counsel or after reviewing the amended petition or notice that no amended petition will be filed. [Adopted by Supreme Court Order No. 14-8300-014, effective for all cases filed on or after December 31, 2014.]