
2. **RETURN OF PETITION FOR FURTHER INFORMATION:**

The petition is returned to petitioner for additional information on the following issues/claims: _____

Pursuant to Rule 5-802(G) NMRA, a revised petition shall be filed within forty-five (45) days after service of this order.

3. **FREE PROCESS AND APPOINTMENT OF COUNSEL:**

Petitioner is granted permission to proceed *in forma pauperis* based on Form 9-403 NMRA or because petitioner is an inmate of a correctional facility.
 Petitioner is not granted permission to proceed *in forma pauperis*.
 The Public Defender Department is appointed to represent petitioner based on the court's finding that this is a proceeding which a reasonable person would bring at that person's own expense. Upon being properly appointed, the Public Defender Department shall either file an amended petition or a notice of non-intent to file an amended petition within ninety (90) days of this appointment.²

4. **RESPONSE³:**

The respondent is directed to file a response within one-hundred and twenty (120) days after the 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 petition will be filed, and based upon a review of the files, pleadings, and records, including the amended petition, hereby summarily dismisses the petition.
(statement of reasons required)

The court, having received an amended petition or a notice that no amended petitioner will be filed, and based upon a review of the files, pleadings, and records, including the amended petition, hereby dismisses the following claims:
(statement of reasons required)

AND

orders a response from respondent on the following claims:

5. **HEARING SCHEDULE:**

A status conference will be held on _____ (date), at _____ (time).

A preliminary disposition hearing will be held on _____ (date), at _____ (time).

An evidentiary hearing will be held on _____ (date), at _____ (time).

An evidentiary hearing is not required, but legal argument will be heard on this matter on _____ (date), at _____ (time).

(District Judge)

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.]