

PRO SE FORMS – CIVIL RESTRAINING ORDER

THIS PACKET CONTAINS:

1. **Instructions** (DO NOT COPY - NOT REQUIRED FOR FILING)
2. **Application for Temporary Restraining Order and Permanent Injunction**
Attach a written statement that explains the harm that you are receiving and the relief you are requesting.
3. **Information Sheet** *Provide detail about the Defendant(s) for service purposes.*
4. **Temporary Restraining Order**
5. **Return of Service** *To be completed by person serving documents on Defendant(s).*
6. **Preliminary Injunction**
7. **Request for Setting** *Use this form to request a hearing before the Judge assigned to your case.*
8. **Permanent Injunction**



PLEASE READ

- **REMEMBER – As a self-represented litigant, you are responsible for your case.** The District Court Clerk’s Office will not provide any information as to how you should proceed with your case nor can they fill in any blanks on forms on your behalf.
- **You must fill out the paperwork correctly, request and attend hearings, check whether the respondent is filing paperwork, keep track of deadlines, etc.**
- **Type or print your forms.**
- **Make sure the pleadings are signed.**
- **File the forms with the court.**
- **Required number of copies:** An original and a sufficient number of copies of each form must be filed.
- **Pay the filing fee:** \$132 – cash, cashier’s check or money order, unless free process is approved.

LUNA COUNTY DISTRICT COURT **Hours 8 am - 4 pm Ph. (575) 546-9611 Ext. 0**

GRANT COUNTY DISTRICT COURT **Hours 8 am – 4 pm Ph. (575) 538-3250**

HIDALGO COUNTY DISTRICT COURT **Hours 8 am – 4 pm Ph. (575) 542-3411**

HOW DO I GET A RESTRAINING ORDER?

A “Restraining Order” is unusual because it orders someone to stop doing something BEFORE it happens. So, the law has very strict requirements.

- First: Is the HARM that you are claiming very bad and likely to continue if the Court does not intervene?
- Second: Is there some other way to REMEDY the problem, such as seeking money damages at a later time?
- Third: If YOU are wrong, are you prepared to PAY the other side their costs and attorney’s fees?

Here is what you need to do:

A. FILL in the APPLICATION FOR TEMPORARY RESTRAINING ORDER

Be very detailed in the HARM that you are claiming. Simply saying that the other person is “harassing” or “bothering” is not enough. Include details of the incidents, including the date and place. Include an explanation of the imminent harm that will occur if a temporary restraining order is not issued.

And be detailed in the kind of RELIEF you want, such as “make the Defendant(s) stay away from me” or “stop the Defendant(s) from coming onto my property.”

Sign the Application before a NOTARY PUBLIC, or fill out the WRITTEN AFFIRMATION section. This means that what you have written down is sworn to be the truth.

B. FILE the APPLICATION with the Clerk of the Court and pay the filing fee of \$132.00 by CASH or MONEY ORDER. The Clerk will file your Application and the computer will then assign a Judge to hear your case.

C. The Clerk of the Court will take the Application and the Temporary Restraining Order (TRO) to the JUDGE and ask the Judge to review it and sign the Order. The Judge will set a DATE and TIME for a HEARING. Let the Court know if you need an Interpreter.

D. The Clerk of the Court will file the signed TRO. Ask for at least two endorsed copies. Keep one copy for yourself.

E. SERVE the Defendant(s) the following papers, and FILE the Return of Service with the Clerk of the Court:

1. The endorsed Application for Temporary Restraining Order; and
2. The endorsed Temporary Restraining Order.

SERVICE IS VERY IMPORTANT

SERVE means giving the person you would like to restrain a copy of the Application and the Temporary Restraining Order. You can do this through personal service, which means placing the Application and Temporary Restraining Order in the hands of the other party, or sending them through certified mail. However, Preliminary or Permanent Injunction that extends the Temporary Restraining Order cannot be issued until the other party is served; certified mail will take longer than personal service.

Anyone who is over 18 and who is NOT a party to the case may serve the papers. That means the Petitioner(s) CANNOT serve the papers. The Sheriff's Office or a professional process server can serve but they usually charge a fee. If the Court has already found that the Petitioner(s) cannot pay court fees, the Sheriff will serve the papers for free.

To prove service, ask the person who performed the service to complete the RETURN OF SERVICE and then make sure it is filed the Clerk of the Court.

F. ATTEND the hearing at the date and time set and bring evidence, such as witnesses or documents, and be prepared to prove your claim in Court.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Plaintiff(s),

vs. No. D- _____ -CV- _____

_____,
Defendant(s).

**APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND PERMANENT INJUNCTION**

I am (We are) the Plaintiff(s) and request a Temporary Restraining Order and, later Permanent Injunction, for these reasons:

1. I/We live in _____ County, New Mexico.
2. The person or persons I want a restraining order against live at this address:

Address: _____

City/State/Zip: _____

3. Defendant(s) has/have done some acts that seriously harm me/us. Those acts are: [include the place, the date and the time and add extra pages if needed]

4. I/We have no adequate remedy at law for the harm threatened by Defendant(s) [such as money damages] and, if the Court does not act to stop the Defendant(s), I/we will suffer the following irreparable harm:

5. I should not have to give security (such as a bond) prior to the issuance of a temporary restraining order because:

The Defendant will not incur any money damages due to the issuance of a restraining order.

Other (describe): _____

Plaintiff(s) request the Court to issue the following orders:

- A. A Temporary Restraining order until a hearing can be had on this matter;
- B. A Preliminary Injunction effective until a final decision made on the merits;
- C. A Permanent Injunction effective until further notice from the Court

Plaintiff(s) specifically request(s) that the Court order that:

_____ Defendant(s) not harm or threaten to harm me/us my family and household members as described here: _____

_____ Defendant(s) stay at least _____ yards away from me/us.

_____ Defendant(s) not telephone me/us or contact me in any way.

state that the contents thereof are true and correct to the best of my information and belief.

Signature

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20____, by _____.

Notary Public

My commission expires:

WRITTEN AFFIRMATION:

I, the Plaintiff, depose and state that I am the Plaintiff in the above-entitled cause. I have read the Application for Restraining Order. I state that the contents thereof are true and correct to the best of my information and belief under penalty of perjury under the laws of the State of New Mexico.

Signature

Date

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Plaintiff(s),

vs. No. D-____-CV-_____

_____,
Defendant(s).

INFORMATION SHEET

To assist in service upon the DEFENDANT(S), please fill in the following:

Name: _____ a/k/a _____

Social Security No. _____ Date of Birth: _____

Height: _____ Weight: _____ Hair Color: _____

Eye Color _____ Glasses? Yes _____ No _____

Marks, Tattoos or Scars: _____

Languages Spoken: English _____ Spanish _____ Other _____

Mailing Address: _____

Email Address: _____

Work Location: _____

Telephone Number(s): Home _____ Work _____

Describe Vehicle: _____

License No. _____ State: _____

Probable Location at this time: _____

Most Likely Time of Availability: _____

Please draw a MAP of the home or workplace location in the space below, if needed:

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Plaintiff(s),

vs. No. D-____-CV-_____

_____,
Defendant(s).

TEMPORARY RESTRAINING ORDER

THIS MATTER came before the Court on Application and the Court being fully advised, FINDS:

1. Immediate and irreparable injury will result to the Plaintiff(s) if a restraining order is not issued immediately as requested by Plaintiff(s).
2. No notice need be given to Defendant(s) as required by Rules of Civil Procedure.
3. There are good grounds that show this case may need a preliminary injunction.
4. This order shall be effective for a period of ten business days unless extended or modified.

IT IS THEREFORE ORDERED that:

_____ Defendant(s) not threaten, harm, alarm or annoy Plaintiff(s).

_____ Defendant(s) not threaten, harm, alarm or annoy Plaintiff(s) or

Plaintiff's/Plaintiffs' family and household as named here:_____

_____ Defendant(s) stay at least _____ yards away from Plaintiff(s) and from Plaintiff's/Plaintiffs' residence, workplace and children's school.

_____ Defendant(s) not telephone Plaintiff(s) or contact Plaintiff(s) in any way, either directly or through others;

_____ Defendant(s) not block Plaintiff(s) in public places or roads;

_____ Further, Defendant(s) is/are ordered not do the following:

_____.

IT IS FURTHER ORDERED that Defendant(s) appear and show cause before the Court why the Temporary Restraining Order should not be extended or a preliminary injunction issued as Plaintiff(s) request(s) by appearing before the Court as follows:

DATE: _____

TIME: _____

In Person, in the Courtroom of The Honorable _____, located at _____ County Courthouse, _____, New Mexico.

Telephonically or via video, at the following phone number:

_____ or following link: _____.

DISTRICT JUDGE

Date Issued: _____

Time Issued: _____

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Plaintiff(s),

vs.

No. D-____-CV-_____

_____,
Defendant(s).

PRELIMINARY INJUNCTION

THIS MATTER having come before the Court on its Temporary Restraining Order, and the Court having considered the pleadings and having heard the testimony and being otherwise advised, FINDS:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. Irreparable injury will result to the Plaintiff(s) if a preliminary injunction and restraining order is not issued.
3. Plaintiff(s) have/has no adequate remedy at law.
4. The burden on Defendant(s) is reasonable under the circumstances.

THEREFORE, IT IS ORDERED that the Temporary Restraining Order issued in this case be and is continued in full force and effect until a final decision on the merits, or until further notice of this Court.

DISTRICT JUDGE

LR6-Form. Request for Setting (rev. 5/4/20).

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
[Plaintiff] [Petitioner],

vs.

No. D- _____ - _____ - _____

_____,
[Defendant] [Respondent].

REQUEST FOR SETTING

Type of case: _____ Non-jury _____ Jury _____

Judge assigned to case: _____

Any hearing presently set in this matter: _____

Specific matters to be heard: _____

Time requested for hearing: _____

(By requesting trial on the merits the undersigned attorney or pro se party certifies the case is ready for trial. A party who disagrees that the case is ready for trial on the merits shall, within ten (10) days from service of this request for setting, file a response setting forth why it is not ready for trial on the merits and when it will be. Rule 1-040 NMRA.)

(Provide names, addresses, telephone numbers, and email addresses if known, of counsel and pro se parties who need to be notified—attach a list if necessary.)

Telephone number: _____

Telephone number: _____

Email address: _____

Email address: _____

I hereby certify that I have caused a copy of the foregoing to be mailed/delivered/faxed to opposing counsel/parties pro se this _____ day of _____, 20_____.

Requested by:

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Plaintiff(s),

vs. No. D-_____-CV-_____

_____,
Defendant(s).

PERMANENT INJUNCTION

THIS MATTER came before the Court for hearing and the Court, having considered the pleadings and heard the testimony and being otherwise advised, FINDS:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. Irreparable injury will result if a permanent injunction is not issued.
3. Plaintiff(s) have/has no adequate remedy at law.
4. The burden on Defendant(s) is reasonable under the circumstances.

THEREFORE, IT IS ORDERED that:

_____ Defendant(s) not threaten, harm, alarm or annoy Plaintiff(s).

_____ Defendant(s) not threaten, harm, alarm or annoy Plaintiff(s) or

Plaintiff's/Plaintiffs' family and household as named below: _____

_____ Defendant(s) stay at least _____ yards away from Plaintiff(s), and from the Plaintiff's/Plaintiffs' residence, workplace and children's school.

_____ Not telephone Plaintiff(s) or contact Plaintiff(s) in any way.

_____ Not block Plaintiff(s) in public places or roads.

____ Further, Defendant(s) is/are ordered to not do the following:_____

DISTRICT JUDGE