

1 **1-006. Time.**

2 A. **Computing time.** This rule applies in computing any time period specified in these
3 rules, in any local rule or court order, or in any statute, unless another Supreme Court rule of
4 procedure contains time computation provisions that expressly supersede this rule.

5 (1) ***Period stated in days or a longer unit; eleven (11) days or more.*** When the
6 period is stated as eleven (11) days or a longer unit of time,

7 (a) exclude the day of the event that triggers the period;

8 (b) count every day, including intermediate Saturdays, Sundays, and
9 legal holidays; and

10 (c) include the last day of the period, but if the last day is a Saturday,
11 Sunday, or legal holiday, the period continues to run until the end of the next day that is not a
12 Saturday, Sunday, or legal holiday.

13 (2) ***Period stated in days or a longer unit; ten (10) days or less.***

14 (a) When the period is stated in days but the number of days is ten (10)
15 days or less,

16 (i) exclude the day of the event that triggers the period;

17 (ii) exclude intermediate Saturdays, Sundays, and legal
18 holidays; and

19 (iii) include the last day of the period, but if the last day is a
20 Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is
21 not a Saturday, Sunday, or legal holiday.

22 (b) This subparagraph shall not apply to any statutory notice that is
23 required to be given prior to the filing of an action.

- 1 (3) ***Period stated in hours.*** When the period is stated in hours,
- 2 (a) begin counting immediately on the occurrence of the event that
- 3 triggers the period;
- 4 (b) count every hour, including hours during intermediate Saturdays,
- 5 Sundays, and legal holidays; and
- 6 (c) if the period would end on a Saturday, Sunday, or legal holiday, the
- 7 period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal
- 8 holiday.
- 9 (4) ***Unavailability of the court for filing.*** If the court is closed or is unavailable
- 10 for filing at any time that the court is regularly open,
- 11 (a) on the last day for filing under Subparagraphs (A)(1) or (A)(2) of
- 12 this rule, then the time for filing is extended to the first day that the court is open and available for
- 13 filing that is not a Saturday, Sunday, or legal holiday; or
- 14 (b) during the last hour for filing under Subparagraph (A)(3) of this rule,
- 15 then the time for filing is extended to the same time on the first day that the court is open and
- 16 available for filing that is not a Saturday, Sunday, or legal holiday.
- 17 (5) ***“Last day” defined.*** Unless a different time is set by a court order, the last
- 18 day ends
- 19 (a) for electronic filing, at midnight; and
- 20 (b) for filing by other means, when the court is scheduled to close.
- 21 (6) ***“Next day” defined.*** The “next day” is determined by continuing to count
- 22 forward when the period is measured after an event and backward when measured before an event.

1 (7) **“Legal holiday” defined.** “Legal holiday” means the day that the following
2 are observed by the judiciary:

3 (a) New Year’s Day, Martin Luther King Jr.’s Birthday, Presidents’
4 Day (traditionally observed on the day after Thanksgiving), Memorial Day, Juneteenth,
5 Independence Day, Labor Day, [~~Columbus Day~~]Indigenous Peoples Day, Veterans’ Day,
6 Thanksgiving Day, or Christmas Day; and

7 (b) any other day observed as a holiday by the judiciary.

8 **B. Extending time.**

9 (1) ***In General.*** When an act may or must be done within a specified time, the
10 court may, for cause shown, extend the time

11 (a) with or without motion or notice if the court acts, or if a request is
12 made, before the original time or its extension expires; or

13 (b) on motion made after the time has expired if the party failed to act
14 because of excusable neglect.

15 (2) ***Exceptions.*** A court shall not extend the time to act under Rules 1-050, 1-
16 052, 1-059, 1-060, 1-062, or 12-201 NMRA, except to the extent and under the conditions stated
17 in those rules.

18 C. **Additional time after certain kinds of service.** When a party may or must act
19 within a specified time after service and service is made by mail, facsimile, [~~electronic~~
20 ~~transmission,~~] or by deposit at a location designated for an attorney at a court facility under Rule
21 1-005(C)(1)(e) NMRA, three (3) days are added after the period would otherwise expire under
22 Paragraph A. Intermediate Saturdays, Sundays, and legal holidays are included in counting these

1 added three (3) days. If the third day is a Saturday, Sunday, or legal holiday, the last day to act is
2 the next day that is not a Saturday, Sunday, or legal holiday.

3 **D. Public posting of regular court hours.** The court shall publicly post the hours that
4 it is regularly open.

5 [As amended, effective January 1, 1987; August 1, 1989; January 1, 1995; as amended by Supreme
6 Court Order No. 14-8300-016, effective for all cases pending or filed on or after December 31,
7 2014; as amended by Supreme Court Order No. S-1-RCR-2023-00046, effective for all cases
8 pending or filed on or after December 31, 2024.]

9 **Committee commentary.** — In 2014, the Joint Committee on Rules of Procedure amended the
10 time computation rules, including Rules 1-006, 2-104, 3-104, 5,104, 6-104, 7-104, 8-104, 10-107,
11 and 12-308 NMRA, and restyled the rules to more closely resemble the federal rules of
12 procedure. *See* Fed. R. Civ. Pro. 6; Fed. R. Crim. Pro. 45.

13 The method for computing time periods of ten days or less set forth in Subparagraph (A)(2) of this
14 rule does not apply to any statutory notice that must be given prior to the filing of an action. For
15 example, several provisions of the Uniform Owner-Resident Relations Act require such
16 notice. *See, e.g.*, NMSA 1978, § 47-8-33(D) (requiring the landlord to give the tenant three days
17 notice prior to terminating a rental agreement for failure to pay rent).

18 Subparagraph (A)(4) of this rule contemplates that the court may be closed or unavailable for filing
19 due to weather, technological problems, or other circumstances. A person relying on Subparagraph
20 (A)(4) to extend the time for filing a paper should be prepared to demonstrate or affirm that the
21 court was closed or unavailable for filing at the time that the paper was due to be filed under
22 Subparagraph (A)(1), (A)(2), or (A)(3).

- 1 [Adopted by Supreme Court Order No. 14-8300-016, effective for all cases pending or filed on or
- 2 after December 31, 2014.]