

1 **4-223. Order for free process.**

2

3 [For use with Supreme Court General Rule 23-114 NMRA]

4

5 STATE OF NEW MEXICO

6 COUNTY OF _____

7 _____ COURT

8

9 _____, Petitioner,

10

11 v. No. _____

12

13 _____, Respondent.

14

15 **ORDER ON APPLICATION FOR FREE PROCESS**

16

17 **THIS MATTER** having come before the court on Petitioner's application for free
18 process and affidavit of indigency, or [~~upon~~] on Petitioner's attorney's certificate
19 supporting indigency and free process [~~pursuant to~~] under Rule 23-114(B)(2) NMRA, and
20 the court being otherwise advised in the premises, **FINDS** that:

21

22 the applicant is entitled to free process in accordance with Rule 23-114(B)(2)
23 NMRA.

24

25 the applicant receives public assistance and is, therefore, entitled to free process.

26

27 the applicant's annual gross income does not exceed _____ of the
28 federal poverty guidelines, and the applicant is, therefore, entitled to free process.

29

30 the applicant's annual gross income exceeds _____ of the federal
31 poverty guidelines, but the applicant is not reasonably able to pay fees or costs and
32 is, therefore, entitled to free process.

33

34 [~~on the basis of~~] based on the applicant's available funds or annual gross income,
35 the applicant is not entitled to free process.

36

37 **THE COURT ORDERS** that:

38

39 the filing fee is waived.

40

41 the filing fee is waived except for the \$ _____ alternative dispute resolution

- 1 (ADR) fee.
- 2
- 3 the applicant is granted free service of process by the Sheriff in _____
- 4 County, New Mexico for 1 2 3 4 5 or _____ summons(es), ~~provided that~~ if the
- 5 applicant first attempts ~~service by certified mail pursuant to~~ service: (1) in district
- 6 court in accordance with Rule 1-004(E)(3) NMRA; (2) by first class mail in
- 7 magistrate court under Rule 2-202(E) NMRA; or (3) by first class mail in
- 8 metropolitan court under Rule 3-202(E) NMRA.
- 9
- 10 the applicant is granted free service by the Sheriff in _____ County,
- 11 New Mexico, of a temporary restraining order or _____.
- 12
- 13 the applicant is to pay the filing fee on _____, 20____.
- 14
- 15 interpretation services shall be provided to the applicant.
- 16
- 17 free process is denied.
- 18
- 19 Other:
- 20 _____
- 21 _____
- 22 _____
- 23 _____
- 24

25 **Unless specifically granted above, this order of free process does not include**
26 ~~the~~ the following costs: jury fees, certification fees, subpoena fees for witnesses, witness
27 fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record
28 proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or
29 facsimile services. Application for all other costs are to be made to the judge assigned to
30 your case. If the applicant prevails in this ~~law-suit~~ lawsuit and collects money by judgment
31 or settlement, the court may order reimbursement for any waived costs. If the applicant is
32 represented by an attorney who is paid an attorney fee, any fees or costs waived by this
33 order must be deducted from ~~any such~~ the attorney fee and paid to the court clerk. **This**
34 **order is subject to revision, modification, or rescission by the judge assigned to your**
35 **case.**

36
37
38 _____
39 JUDGE

40 [Adopted by Supreme Court Order No. 07-8300-043, effective February 25, 2008; as

1 amended by Supreme Court Order No. 08-8300-031, effective November 17, 2008; by
2 Supreme Court Order No. 10-8300-044, effective February 9, 2011; as amended by
3 Supreme Court Order No. 17-8300-022, effective for all cases pending or filed on or after
4 December 31, 2017; as amended by Supreme Court Order No. 21-8300-012, effective for
5 all cases pending or filed on or after December 31, 2021.]