

FILED  
5th JUDICIAL DISTRICT COURT  
Lea County  
3/24/2022 11:48 AM  
NELDA CUELLAR  
CLERK OF THE COURT  
Cory Hagedoorn

STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO,  
DAVID GALLEGOS, TIMOTHY JENNINGS,  
DINAH VARGAS, MANUEL GONZALES,  
JR., BOBBY and DEANN KIMBRO, and  
PEARL GARCIA,

Plaintiffs,

and

LARRY MARKER,

Putative Intervenor-Plaintiff,

vs.

No. D-506-CV-2022-00041

MAGGIE TOULOUSE OLIVER in her official  
capacity as New Mexico Secretary of State,  
MICHELLE LUJAN GRISHAM in her official  
capacity as Governor of New Mexico, HOWIE  
MORALES in his official capacity as New  
Mexico Lieutenant Governor and President of  
the New Mexico Senate, MIMI STEWART in  
her official capacity as President Pro Tempore  
of the New Mexico Senate, and BRIAN EGOLF  
in his official capacity as Speaker of the New  
Mexico House of Representatives,


Defendants.

**NOTICE OF PLAINTIFFS' REQUEST FOR ADMINISTRATIVE INTERVENTION IN  
JUDICIAL-ASSIGNMENT PROCESS**

The Plaintiffs hereby give notice that they emailed the attached letter to Chief Judge  
James M. Hudson on March 23, 2022, copying the currently assigned judge and all counsel of  
record as noted in the letter. The letter was initially filed that day.

Respectfully submitted,

HARRISON, HART & DAVIS, LLC

By: 

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*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 24th day of March 2022, I filed a copy of this Notice and selected the option for electronic service on all counsel of record, which will cause a copy of the filing to be served via email on all counsel. The letter itself (without this Notice) was initially filed on the 23rd day of March, 2022.

HARRISON, HART & DAVIS, LLC

By: /s/ Carter B. Harrison IV  
Carter B. Harrison IV

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March 23, 2022

## VIA ELECTRONIC TRANSMISSION ONLY

The Honorable James M. Hudson  
Chief Judge of the Fifth Judicial District Court of New Mexico  
400 N. Virginia Avenue  
Roswell, New Mexico 88201

**Re: *Republican Party of N.M. et al. v. Oliver et al.*, No. D-506-CV-2022-00041  
Request for Assignment of Judicial Officer**

Dear Chief Judge Hudson:

I am writing on behalf of the Plaintiffs and my co-counsel in relation to the above-cited redistricting litigation. We respectfully request that a judge — who does not intend to recuse him or herself — be assigned to this case forthwith, as the seriatim assignment-and-recusal process that has occurred thus far will be unduly prejudicial if it continues, given the unique time-sensitivity of this case. Thus far, a sufficient number of judges have recused themselves that we have become concerned that no judge from the District will be able to hear the case, and, while a new judge was just assigned today — Judge Dustin Hunter, to whom this letter is copied — we wanted to register this request sooner rather than later, in the event that Judge Hunter recuses or is excused from this case.

On January 21, 2022, the Plaintiffs, including the Republican Party of New Mexico and a bipartisan group of New Mexico voters, filed a verified complaint in the Fifth Judicial District, Lea County, for a violation of Article II, Section 18 of the New Mexico Constitution. Specifically, the complaint challenges the New Mexico State Legislature’s unlawful partisan gerrymander of the state’s congressional map through the adoption of Senate Bill 1. The Defendants include Secretary of State Maggie Toulouse Oliver, Governor Michelle Lujan Grisham, Lieutenant Governor Howie Morales, Senate President Pro Tempore Mimi Stewart, and Speaker of the House of Representatives Brian Egolf.

On February 3, 2022, less than two weeks after the Complaint was filed, Plaintiffs filed a motion for preliminary injunction (“PI Motion”), asking the Court to enjoin the use of the congressional map in Senate Bill 1 and to adopt one of two alternative maps approved by New Mexico’s Citizen Redistricting Committee for the 2022 election year. The Defendants opposed the PI Motion and filed motions to dismiss to the Complaint (“Motions to Dismiss”).

As of yesterday, March 22, 2022, the PI Motion and Motions to Dismiss are fully briefed, and the Plaintiffs have requested an expedited hearing on the PI Motion. *See* RFH on Plfs' Mot. for Prelim. Inj., dated Feb. 23, 2022 (request before Judge Mark Sanchez); Am. RFH on Plfs' Mot. for Prelim. Inj., dated Mar. 15, 2022 (request before Judge Thomas Lilley).

Since the Plaintiffs filed their PI Motion, *five* judges have either recused themselves or been peremptorily excused under N.M. R. Civ. P. Dist. Ct. 1-088.1(A).

- **Judge Sanchez** was excused by the Legislative Defendants. *See* Leg. Defs.' Preemptory Election to Excuse, dated Feb. 4, 2022.
- **Judge Kirksey** recused herself. *See* Order of Recusal, dated Feb. 23, 2022.
- **Judge Shoobridge** was excused by putative intervenor Larry Marker. *See* Notice of Preemptory Excusal, dated Mar. 7, 2022.
- **Judge Stone** recused himself. *See* Order of Recusal, dated Mar. 14, 2022.
- **Judge Lilley** recused himself. *See* Order of Recusal, dated Mar. 22, 2022.

And today, the parties received notice that the case had been reassigned to another judge: Judge Hunter. *See* Notice of Judge Reassignment, dated Mar. 22, 2022. We certainly have no objection to Judge Hunter, but it is unclear at this time whether Judge Hunter will recuse from the case, as such recusals have thus far been entered only after several days or weeks.

Based on the foregoing, and because prompt resolution of the PI Motion is imperative to allow for the 2022 primary election with minimal disruption, the Plaintiffs respectfully request that you poll the remaining judicial officers in the Fifth Judicial District and appoint a judicial officer to preside over the case, including promptly scheduling a hearing on the PI Motion. If a poll reveals that no judicial officer in the Fifth Judicial District may preside over the case, the Plaintiffs request that you notify the parties so that relief may be sought from the New Mexico Supreme Court.

Please let me know if you have any questions, and I thank you in advance for your prompt attention to this request. I can be reached at (505) 295-3261 or via email at [carter@harrisonhartlaw.com](mailto:carter@harrisonhartlaw.com).

Hon. James Hudson  
March 23, 2022  
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Very truly yours,

HARRISON & HART, LLC

A handwritten signature in black ink, appearing to read "Carter B. Harrison IV". The signature is stylized and written in a cursive-like font.

Carter B. Harrison IV

CBH/JRE

No enclosures

cc: Hon. Dustin K. Hunter (rosddiv10proposedtxt@nmcourts.gov)  
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