

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM H. PAYNE and
ARTHUR R. MORALES,

Plaintiffs,

vs.

CIVIL NO. 97-266 MCA/DJS

NATIONAL SECURITY AGENCY,

Defendant.

ORDER OF REFERENCE

THIS MATTER is before the Court *sua sponte*.¹

This case was dismissed by the District Court on October 27, 1999 [Doc. 73], and the dismissal was affirmed by the Tenth Circuit Court of Appeals on December 13, 2000 [Doc. 80]. On May 16, 2007, *pro se* Plaintiffs William H. Payne and Arthur R. Morales filed pleadings in this case [Docs. 81, 82], seeking to set aside the Judgment previously entered [Doc. 73], or otherwise seeking to re-open this case.

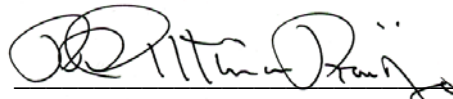
The Court now issues this Order of Reference directing that the district's Chief Magistrate Judge, Lorenzo F. Garcia, issue a report and recommendation on the *Motion to Void Judgment for Lack of Jurisdiction Directed to District of New Mexico, Santa Fe Chief Judge Martha Vazquez* [Doc. 81]. Further, the Chief Magistrate Judge shall determine whether the Plaintiffs' filing of pleadings in this case constitutes a violation of the federal injunction previously entered prohibiting William H. Payne and Arthur R. Morales from filing new lawsuits or re-asserting claims which have

¹This matter was assigned to The Honorable M. Christina Armijo because the former trial judge, the Honorable Santiago Campos, is deceased.

previously been dismissed (Arthur R. Morales and William H. Payne v. Theodore C. Baca, et al, CIV 01-634, (Docket No. 61).²

Judge Garcia may undertake whatever legal analysis he deems necessary and may conduct hearings to determine if there is a violation of the injunction and, if so, to recommend the imposition of sanctions, including but not limited to, censure, striking pleadings, and imposition of fines. Judge Garcia shall issue his Report and Recommendation to the Court in accord with the requirements of 28 U.S.C. § 636(b)(1).

SO ORDERED this 21st day of June, 2007, in Albuquerque, New Mexico.



THE HONORABLE M. CHRISTINA ARMIJO
UNITED STATES DISTRICT JUDGE

²*Pro se* Plaintiffs' access to the Court was not absolutely barred. Plaintiffs could file pleadings as long as they complied with the requirements outlined in the attachment, Appendix A, to the Honorable William F. Downes' injunctive order. [Id.] *See also*, Tripati v. Beaman, 878 F.2d 351, 354 (10th Cir. 1989).