

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **BRYCE FRANKLIN,**

3 Plaintiff-Appellant,

4 v.

5 **THE GEO GROUP and GCCF FACILITY**  
6 **RECORDS COORDINATOR,**

7 Defendants.

8 **APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**  
9 **Bryan Biedscheid, District Court Judge**

10 Bryce Franklin

11 Santa Fe, NM

12 Pro Se Appellant

13 **MEMORANDUM OPINION**

14 **ATTREP, Chief Judge.**

15 {1} Plaintiff Bryce Franklin, a self-represented state inmate, appeals the district  
16 court's order denying his verified petition for alternative writ of mandamus (the  
17 Petition) to compel Defendant GEO Group, a contractor overseeing the housing of  
18 state prisoners at the Guadalupe County Correctional Facility (GCCF), and  
19 Defendant GCCF Facility Records Coordinator's (collectively, Defendants)  
20 compliance with the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-  
21 2-1 to -12 (1947, as amended through 2023), and New Mexico Corrections  
22 Department (NMCD) policy. We affirm.

Court of Appeals of New Mexico  
Filed 3/5/2025 7:58 AM

  
Ramon J. Maestas  
Chief Clerk

**No. A-1-CA-40399**

1 **BACKGROUND**

2 {2} Defendants denied Plaintiff’s requests to review records Plaintiff believed to  
3 be contained in his inmate file. Plaintiff filed the Petition, requesting that Defendants  
4 be ordered to: (1) “[c]omply with [their] non-d[i]scretionary duty to produce the  
5 requested legal documents,” pursuant to IPRA;<sup>1</sup> and (2) “[c]omply with [their] non-  
6 discretionary duty to provide inmates with access to daily contact with [a  
7 c]lassification officer,” pursuant to NMCD policy. At a hearing, the district court  
8 judge acknowledged that “IPRA allows the court to enter such a writ when it’s  
9 clearly nondiscretionary,” but explained that “looking at [the] Petition, I found that  
10 there were issues that are discretionary.” In particular, the district court determined  
11 that Plaintiff’s second request regarding “how office hours are conducted . . . and  
12 how opportunities are given to inmates to review their records” involved  
13 discretionary acts. The district court judge explained, “There’s enough of a mix of  
14 discretionary and nondiscretionary [acts] that I think it’s inappropriate for me to  
15 enter the writ as requested.” The district court accordingly denied the Petition, but  
16 gave Plaintiff leave to file a complaint and serve it upon Defendants so “they have  
17 an opportunity to answer and be heard.” Plaintiff did not file a complaint and instead  
18 appealed the district court’s denial of his Petition.

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<sup>1</sup>Plaintiff additionally sought penalties, fees, and costs under IPRA.

1 **DISCUSSION**

2 {3} As Plaintiff recognizes, we review the district court’s denial of the Petition for  
3 an abuse of discretion. *See N.M. Found. for Open Gov’t v. Corizon Health*, 2020-  
4 NMCA-014, ¶ 15, 460 P.3d 43 (“We generally review the granting or denial of a  
5 writ of mandamus under an abuse of discretion standard.” (internal quotation marks  
6 and citation omitted)). “A district court abuses its discretion if its decision is contrary  
7 to logic and reason, or if it exceeds the bounds of reason, all the circumstances before  
8 it being considered.” *FastBucks of Roswell, N.M., LLC v. King*, 2013-NMCA-008,  
9 ¶ 7, 294 P.3d 1287 (internal quotation marks and citations omitted). For mandamus  
10 to issue, “the petitioner must establish a clear legal right to the performance of the  
11 dut[ies] sought to be enforced” and demonstrate that “the act[s] to be compelled [are]  
12 ministerial constituting . . . nondiscretionary dut[ies] which the respondent is  
13 required to perform.” *Wallbro v. Nolte*, 2022-NMCA-027, ¶ 20, 511 P.3d 348  
14 (internal quotation marks and citation omitted); *see* NMSA 1978, § 44-2-4 (1884)  
15 (providing that a writ of mandamus “may be issued . . . to compel the performance  
16 of an act which the law specially enjoins as a duty resulting from an office, trust or  
17 station”). “[T]he exercise of discretionary power or the performance of a  
18 discretionary duty cannot be controlled by mandamus.” *Brantley Farms v. Carlsbad*  
19 *Irrigation Dist.*, 1998-NMCA-023, ¶ 22, 124 N.M. 698, 954 P.2d 763; *see State ex*  
20 *rel. Egolf v. N.M. Pub. Regul. Comm’n*, 2020-NMSC-018, ¶ 14, 476 P.3d 896 (“A

1 writ of mandamus . . . cannot control discretion lawfully vested in the official  
2 functions of a state official.”).

3 {4} On appeal, Plaintiff focuses on his first request in the Petition—that  
4 Defendants be ordered to comply with IPRA. Specifically, Plaintiff argues that GEO  
5 Group is a public body for purposes of IPRA, and that the facts alleged in the Petition  
6 establish an IPRA violation. Plaintiff thus argues that Defendants had a  
7 nondiscretionary duty to comply with IPRA. Even if we assume Plaintiff is correct  
8 on this point, it provides no basis for reversal.

9 {5} As discussed, the district court ruled that issuing a writ of mandamus would  
10 be inappropriate because Plaintiff’s second request in the Petition—that GEO Group  
11 be ordered to provide inmates with daily access to a classification officer—sought  
12 enforcement of a discretionary duty, i.e., not a nondiscretionary, ministerial duty for  
13 which mandamus may issue. On appeal, Plaintiff does not challenge this ruling. Nor  
14 does Plaintiff argue that a district court abuses its discretion by denying a petition  
15 for writ of mandamus that requests enforcement of both discretionary and  
16 nondiscretionary duties. In the absence of such arguments, Plaintiff has given us no  
17 reason to conclude that the district court erred. *See Hall v. City of Carlsbad*, 2023-  
18 NMCA-042, ¶ 5, 531 P.3d 642 (providing that, “[o]n appeal, there is a presumption  
19 of correctness in the rulings and decisions of the district court,” and thus “it is the

1 appellant’s burden to persuade us that the district court erred” (internal quotation  
2 marks and citation omitted)).

3 {6} In light of the district court’s unchallenged rulings, we perceive no abuse of  
4 discretion in the court’s denial of the Petition. Because “[a] writ of mandamus may  
5 be issued only to force a clear legal right against one having a clear legal duty to  
6 perform an act,” *Nat’l Educ. Ass’n of N.M. v. Santa Fe Pub. Schs.*, 2016-NMCA-  
7 009, ¶ 17, 365 P.3d 1 (internal quotation marks and citation omitted), the denial of a  
8 petition that seeks enforcement of a discretionary duty, as here, is not an abuse of  
9 discretion. *See, e.g., Pirtle v. Legis. Council Comm. of N.M. Legislature*, 2021-  
10 NMSC-026, ¶ 35, 492 P.3d 586 (describing a writ of mandamus as “a drastic remedy  
11 to be invoked only in extraordinary circumstances and then only to force a clear legal  
12 right against one having a clear legal duty to perform an act” (internal quotation  
13 marks and citation omitted)); *FastBucks of Roswell, N.M., LLC*, 2013-NMCA-008,  
14 ¶ 7 (providing that “district courts retain discretion when ruling on the propriety of  
15 issuing the writ in any given case”); *see also, e.g., 55 C.J.S. Mandamus § 2 (2025)*  
16 (“The writ of mandamus may not issue to compel performance in doubtful cases, or  
17 if the act contains any element of discretion, however slight.” (footnotes omitted)).

## 18 **CONCLUSION**

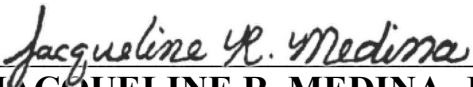
19 {7} We accordingly affirm.

1 {8} IT IS SO ORDERED.

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4 JENNIFER L. ATTREP, Chief Judge

4 WE CONCUR:

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6 \_\_\_\_\_  
7 KRISTINA BOGARDUS, Judge

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8 \_\_\_\_\_  
9 JACQUELINE R. MEDINA, Judge