

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 9/28/2026 7:47 AM

BRYCE L. FRANKLIN,

Plaintiff-Appellant,



Mark Reynolds

v.

No. A-1-CA-42371

**ELIZABETH GARCIA, in her capacity
as CHIEF CLERK, SUPREME COURT
OF NEW MEXICO,**

Defendant-Appellee.

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

Bryce Franklin
Eloy, AZ

Pro Se Appellant

Raúl Torrez, Attorney General
Daniel Ahrens, Assistant Solicitor General
Santa Fe, NM

for Appellee

DISPOSITIONAL ORDER

HANISEE, Judge.

This matter is on appeal from the district court. This case raises a unique jurisdictional issue under Article VI, Section 13 of the New Mexico Constitution, which addresses the prohibition of a district court from issuing writs of mandamus or injunction directed to judges or courts of equal or superior jurisdiction, and New

1 Mexico’s Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12
2 (1947, as amended through 2025), which was enacted to provide the public with
3 broad access to public records reflecting “the affairs of government and the official
4 acts of public officers and employees.” Section 14-2-5. We note the following:

5 1. In August 2021, Jennifer Scott (Defendant), in her then capacity as
6 Acting Chief Clerk of the New Mexico Supreme Court and records custodian,
7 received an IPRA records request from Bryce Franklin (Plaintiff), an inmate within
8 the New Mexico Corrections Department. Plaintiff requested a multitude of records,
9 including: (1) the New Mexico Constitution, (2) the New Mexico Unfair Practices
10 Act, (3) the New Mexico Fair Labor Act, (4) the New Mexico Procurement Act, (5)
11 the New Mexico Religious Land Act, as well as “[a]ny laws that govern the sale of
12 food in [New Mexico]” and “[t]he 2019 law on solitary confinement.” The following
13 month, Defendant responded to Plaintiff’s request, notifying him that only a portion
14 of his request could be fulfilled, for which Plaintiff would need to provide payment
15 under IPRA in the amount of \$279.91, as authorized by Section 14-2-9(C) of IPRA,
16 and that the rest of his request would not be fulfilled because it would require the
17 New Mexico Supreme Court Library to “perform legal research or provide legal
18 advice[,]” which it is not permitted to do. Plaintiff responded that he was indigent
19 and provided additional information regarding the documents he sought. Following

1 Plaintiff's correspondence noting that he would be unable to pay, Defendant closed
2 his request without further communication.

3 2. Plaintiff filed a civil complaint against Defendant. Defendant filed a
4 motion for summary judgment, which the district court granted.

5 3. In its order granting Defendant's motion for summary judgment, the
6 district court stated that the materials sought by Plaintiff via his IPRA request were
7 not "public records for purposes of IPRA" and therefore Defendant was not
8 compelled by IPRA to produce these documents for Plaintiff. The district court also
9 noted that the "provisions of IPRA that allow state entities to charge reasonable fees
10 for copying and postage are reasonably related to the state's interest of administering
11 IPRA, and therefore constitutional both on their face and as applied to an indigent,
12 incarcerated [person,]" like Plaintiff. This appeal followed.

13 4. On appeal, Plaintiff argues that this Court should reverse the district
14 court's order granting summary judgment in favor of Defendant and remand for
15 further proceedings because Defendant's response and closure of his request violated
16 IPRA by being unreasonable, and consequently violated his rights under the Equal
17 Protection Clause in Article II, Section 18 of the New Mexico Constitution.
18 Defendant answers, in pertinent part,¹ that the district court lacks jurisdiction to hear

¹Defendant also argues that her response to Plaintiff's request was proper and reasonable under IPRA and that Plaintiff was treated like any other IPRA requester,

1 a claim against a court of equal or superior jurisdiction, and urges this Court to
2 dismiss this case for lack of jurisdiction or affirm the district court’s decision.²

3 5. Plaintiff responded to Defendant’s assertion regarding jurisdiction in
4 his reply brief, citing *Hancock v. Trammell*, 798 F.3d 1002 (10th Cir. 2015), case
5 law from the Tenth Circuit Court of Appeals, stating that Defendant is barred from
6 raising her argument for lack of jurisdiction because she did not raise it below.

7 6. Plaintiff is correct that this issue of jurisdiction is being raised by
8 Defendant for the first time on appeal. However, when a jurisdictional claim is
9 raised, the issue must be decided before a court can review the case. *See Gonzales*
10 *v. Surgidev Corp.*, 1995-NMSC-036, ¶¶ 11-12, 120 N.M. 133, 899 P.2d 576. (“It is
11 well settled that subject matter jurisdiction cannot be waived and may be raised for
12 the first time on appeal.”); *see also State v. Doe*, 1977-NMCA-141, ¶ 2, 91 N.M.
13 356, 573 P.2d 1211 (“Lack of jurisdiction at any stage of the proceedings is a
14 controlling consideration which must be resolved before going further and an
15 appellate court may raise the question of jurisdiction on its own motion.” (alteration,
16 internal quotation marks, and citation omitted)).

and therefore could not have had his rights violated under New Mexico’s Equal Protection Clause.

²In conjunction with the arguments made in her answer brief, Defendant filed a motion to dismiss with this Court for lack of jurisdiction.

1 7. IPRA was enacted to provide the public with broad access to public
2 records reflecting “the affairs of government and the official acts of public officers
3 and employees.” Section 14-2-5. Specifically, Section 14-2-12(B) provides that “[a]
4 district court may issue a writ of mandamus or order an injunction or other
5 appropriate remedy to enforce the provisions of” IPRA.

6 8. Article VI, Section 13 of the New Mexico Constitution states, “The
7 district courts, or any judge thereof shall have no power to issue writs of habeas
8 corpus, mandamus, injunction, quo warranto, certiorari, prohibition and all other
9 writs, remedial or otherwise in the exercise of their jurisdiction; *provided that no*
10 *such writs shall issue directed to judges or courts of equal or superior jurisdiction.*”
11 (Emphasis added.)

12 9. In *Pacheco v. Hudson*, 2018-NMSC-022, ¶ 56, 415 P.3d 505, our
13 Supreme Court resolved, in pertinent part, the question of whether a district court
14 may issue a writ of mandamus, enjoin another district court or order another
15 appropriate remedy to enforce IPRA requirements pursuant to Section 14-2-12(B).
16 The Court held that a district court does not have constitutional jurisdiction to order
17 relief or sanctions under IPRA against another district court as such is impermissible
18 under the New Mexico Constitution. *Pacheco*, 2018-NMSC-022, ¶¶ 58-60.

19 10. When Plaintiff filed his formal complaint against Defendant in her
20 capacity as the acting chief clerk of the New Mexico Supreme Court, he effectively

1 brought suit against the New Mexico Supreme Court itself. *See id.* ¶ 61 (“New
2 Mexico precedent recognizes that a lawsuit against a court employee, such as a
3 designated records custodian, in [their] official capacity is a suit against the court
4 itself.”). As such, Plaintiff sought relief in district court of a nature that would direct
5 a court of superior jurisdiction to act in a particular manner—here to require it to
6 provide the records Plaintiff sought.

7 11. Because the New Mexico Supreme Court is a superior court to the
8 district court, the district court had no jurisdiction to decide this issue given the
9 commands set forth within Article VI, Section 13 of the New Mexico Constitution
10 and *Pacheco*.

11 12. Where the district court lacks jurisdiction over an action, this Court also
12 lacks jurisdiction to consider the merits of the appeal. *See Nesbit v. City of*
13 *Albuquerque*, 1977-NMSC-107, ¶ 10, 91 N.M. 455, 575 P.2d 1340 (“An appeal from
14 a judgment entered by a court having no jurisdiction of the subject matter confers no
15 jurisdiction on the appellate court.”). If this Court concludes that the district court
16 lacked jurisdiction over the subject matter or the parties, it must vacate the district
17 court’s judgment and dismiss the appeal. *See Classen v. Classen*, 1995-NMCA-022,
18 ¶ 10, 119 N.M. 582, 893 P.2d 478 (holding that a judgment entered by a court that
19 lacked jurisdiction of the parties or subject matter is void).

13. We therefore vacate the district court's entry of summary judgment and dismiss for lack of jurisdiction.

IT IS SO ORDERED.


J. MILES HANISEE, Judge

WE CONCUR:

Megan P Duffy
MEGAN P. DUFFY, Judge


JANE B. YOHALEM, Judge