



## Administrative Office of the Courts

FOR IMMEDIATE RELEASE

Aug. 25, 2022

Contact: Barry Massey, public information officer

[bmassey@nmcourts.gov](mailto:bmassey@nmcourts.gov)

505-470-3436

Supreme Court affirms dismissal of case seeking release of prison inmates because of pandemic

SANTA FE – The New Mexico Supreme Court today affirmed the dismissal of litigation seeking the release of state prison inmates because of the COVID-19 pandemic.

In a unanimous opinion, the Court concluded that a district court in Santa Fe correctly dismissed the lawsuit although the justices disagreed with part of the lower court’s legal reasoning.

Eight inmates, the New Mexico Criminal Defense Lawyers Association and the American Civil Liberties Union of New Mexico filed the lawsuit against the governor and prison system officials in August 2020 seeking a writ of habeas corpus and relief in conditions of their confinement. They claimed that the state’s response to the coronavirus in prisons violated the constitutional rights of inmates. The lawsuit sought to reduce the prison population and require the state to take steps to safeguard the health of inmates, including providing masks and COVID testing, enforce physical distancing, placing inmates in medical isolation if they were infected with the virus and forcing prison staff to wear protective face coverings.

The district court dismissed the case two months after it was filed, determining that inmates had not met a requirement to first exhaust administrative grievance procedures in the Department of Corrections (NMCD) before petitioning a court for a writ of habeas corpus. The decision was appealed and the matter reached the Supreme Court after the state Court of Appeals requested the justices resolve legal questions in the case.

The Court’s opinion, written by Justice Michael E. Vigil, clarified the requirements for inmates to exhaust their administrative remedies before bringing a habeas class action on behalf of all prisoners.

“We cannot say that the entire inmate population of New Mexico may be considered to have exhausted administrative remedies simply because some unnamed class member/inmate tried to file a grievance. Similarly, we cannot say that the nearly 6,000 inmates must each individually show they have exhausted administrative remedies. Such a requirement for all class members could unduly burden the prison’s complaint system and delay resolution of grievances,” the

Court wrote. “Thus a balance must be struck, a balance that provides NMCD with an opportunity to expeditiously address the merits of a claim while avoiding an undue burden on the internal grievance process.”

The Court concluded that “the exhaustion requirement for habeas claims is satisfied as to an entire plaintiff class when one or more *named* class members have exhausted administrative remedies for each claim raised by the class.”

None of the inmates named as plaintiffs in the lawsuit had filed a grievance with the Department of Corrections, the Court noted. The justices also made clear that the requirement for people to pursue all of an agency’s possible administrative remedies before going to court “cannot be circumvented by bringing claims through a representative entity” – the two nonprofit organizations named as plaintiffs in the case.

The Court directed one of its rules committees to submit recommendations to the justices for rules of criminal procedure to govern class actions by inmates bringing a habeas petition to challenge the conditions of their prison confinement. Habeas corpus actions are not governed by the procedural rules for class actions in civil cases, the Court explained.

###

To read the decision in *Anderson v. State*, No. S-1-SC-38570, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/521305/index.do>