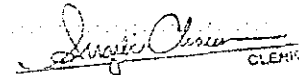


STATE OF NEW MEXICO
COUNTY OF LUNA
SIXTH JUDICIAL DISTRICT

FILED
DISTRICT COURT OF
LUNA COUNTY, N.M.
2011 JUL 11 AM 10:32

STATE OF NEW MEXICO ex. rel. Gordon Mast,
Petitioner,


CLERK
DISTRICT

vs.

No. CV 2011-00213

Magistrate Court Clerk of Luna County, New Mexico
Respondent,

SARAH JASSO
Real Party in Interest.

**AMENDED VERIFIED PETITION FOR A
WRIT OF MANDAMUS**

COMES NOW, Petitioner, Gordon Mast, Pro Se with this Amended Verified Petition for a Writ of Mandamus pursuant to NMSA 1978 § NMSA1978 sec. 14-2-1(Inspection of public records act) A, "*Every person has a right to inspect public records of this state*". and NMSA 14-2-11 (C) "*A custodian who does not deliver or mail a written explanation of denial within fifteen days after receipt of a written request for inspection is subject to an action to enforce the provisions of the Inspection of Public Records Act and the requester may be awarded damages.*"

Petitioner alleges:

1. Petitioner is a resident of Luna County, New Mexico.
2. Respondent is the present Luna County Magistrate Court Clerk. located at 912 South Silver, Deming, New Mexico 88030.
3. Venue is proper in this Court. NMSA 44-2-3.. The district court has exclusive original jurisdiction in all cases of mandamus, and NMSA1978 sec. 38-3-1 (G) . "*Suits against any state officers as such shall be brought in the court of the county in which their offices are located,*

4. Petitioner mailed a written request for public records on February 8, 2010

5. Petitioner mailed follow up requests on March 17, 2010 and again on May 10, 2010.(see Exhibits #1,#2, (attached)

6. Respondent ignored all requests by Plaintiff.

7. RESPONDENT has failed in her mandatory and non-discretionary duty to comply with

NMSA1978 sec. 14-2-8 (D). *"A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian."*

8. Petitioner is a person "beneficially interested" in the issues of this case, namely the lack of "sense of duty" by tax supported employees. Petitioner is also uniquely affected by the UN-constitutional conduct of the Respondent.

9. Petitioner has no plain, speedy and adequate remedy in the ordinary course of law.

10. Petitioner has a right to remedy, by law; NMSA 14-2-11 (C). *"A custodian who does not deliver or mail a written explanation of denial within fifteen days after receipt of a written request for inspection is subject to an action to enforce the provisions of the Inspection of Public Records Act and the requester may be awarded damages. Damages shall":*

- (1) be awarded if the failure to provide a timely explanation of denial is determined to be unreasonable;
- (2) not exceed one hundred dollars (\$100) per day;
- (3) accrue from the day the public body is in noncompliance until a written denial is issued; and
- (4) be payable from the funds of the public body.

WHEREFORE petitioner prays that he be awarded a Writ of Mandamus commanding

Respondent to:

1.) comply with its mandatory non-discretionary duty to answer Petitioners public information request.

2.) pay to petitioner the damages as determined by this Court under Statute NMSA 1978 sec. 14-2-11 C (2) and any other charges the Court deems proper.

Respectfully submitted,

Gordon Mast-Petitioner
PO box 2743
Deming, NM 88031
575-546-6171

VERIFICATION

I, Gordon Mast, being first duly sworn, depose and state that I have read the Petition and its contents are true and correct to the best of my knowledge, information and belief.

Gordon Mast
Box 2743
Deming New Mexico 88031
(575) 546-6171

Signed and sworn to before me by GORDON MAST on the ____ day of _____, 2011.

Notary Public

My commission expires on the ____ day of _____, _____.

Ephraim [unclear]

Date: February 8, 2010

To: Luna County Magistrate Court
912 so. Silver Avenue
Deming, New Mexico
88030

From: Gordon Mast
PO Box 2743
Deming, N.M. 88031
575-546-6171

A FORMAL REQUEST FOR INFORMATION UNDER THE NEW MEXICO PUBLIC RECORDS ACT.

REQUEST:

Pursuant to Chapter 14, Article 3 NMSA 1978 (Public Records Act) I am requesting the following public records:

1. Daily sign in sheet for the dates between January 25, 2010 thru February 3, 2010 inclusive.
2. Names of all employee's employed during the above mentioned time frame.
3. List of job discriptions of each employee on duty during the above time frame.
4. A list of all regulations concerning the duty of service to the general public.
5. The salaries of all employees on duty during the above time frame.

You may call me with any charges there may be for this service and I will remit the fees immediately
you may send all material to the above address, or You may reach me at 546-6171 and I will pick them up, or
you may e-mail this information to me at: gordonmast@yahoo.com

Thank You,

Gordon Mast

Date: March 17, 2010 (2nd request)

Exhibit #2

To: Luna County Magistrate Court
912 so. Silver Avenue
Deming, New Mexico
88030

From: Gordon Mast
PO Box 2743
Deming, N.M. 88031
575-546-6171

A FORMAL REQUEST FOR INFORMATION UNDER THE NEW MEXICO PUBLIC RECORDS ACT.

REQUEST:

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5. The salaries of all employees on duty during the above time frame.

You may call me with any charges there may be for this service and I will remit the fees immediately

you may send all material to the above address, or You may reach me at 546-6171 and I will pick them up, or

you may e-mail this information to me at: gordonmast@yahoo.com

Enclosure: copy of first request

Thank You,

Gordon Mast

Date: May 10, 2010 (3rd. request)

E. Mast #3

To: Luna County Magistrate Court Clerk
(keeper of records)
912 so. Silver Avenue
Deming, New Mexico
88030

From: Gordon Mast
PO Box 2743
Deming, N.M. 88031
575-546-6171

A FORMAL REQUEST FOR INFORMATION UNDER THE NEW MEXICO PUBLIC RECORDS ACT.

REQUEST:

Pursuant to Chapter 14, Article 3 NMSA 1978 (Public Records Act) I am requesting the following public records:

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You may call me with any charges there may be for this service and I will remit the fees immediately
you may send all material to the above address, or You may reach me at 546-6171 and I will pick them up, or
you may e-mail this information to me at: gordonmast@yahoo.com

If you are not the keeper of records for these requests, please advise me who to contact.

Enclosure: copy of first request

Thank You,

Gordon Mast